

132031







INDEX

LEGISLATIVE ASSEMBLY OF ONTARIO

FIFTH SESSION OF THE TWENTY-SEVENTH
PARLIAMENT

133031

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

JANUARY 25th to MARCH 22nd, 1967

and

APRIL 4th to JUNE 15th, 1967

LEGISLATIVE ASSEMBLY
OF ONTARIO

FIFTH SESSION OF THE TWENTY-SEVENTH
PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE

OF COMMONS

REPORTED BY THE SELECT COMMITTEE

SESSION

JANUARY 20 to MARCH 20, 1901

AND

APRIL 10 to JUNE 10, 1901

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FIFTH SESSION, TWENTY-SEVENTH PARLIAMENT

January 25th to March 22nd, 1967

and

April 4th to June 15th, 1967

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BILL 1

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Land Titles Act

MR. WISHART

EXPLANATORY NOTE

A typographical error is corrected.

BILL 1

1967

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 42 of *The Land Titles Act* is R.S.O. 1960, c. 204, s. 42, amended by striking out "or" in the twentieth line and insert-
ing in lieu thereof "of". subs. 1, amended

2. This Act may be cited as *The Land Titles Amendment Act, 1967*. Short title

An Act to amend The Land Titles Act

1st Reading

January 25th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 1

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Land Titles Act

MR. WISHART



BILL 1

1967

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 42 of *The Land Titles Act* is amended by striking out "or" in the twentieth line and inserting in lieu thereof "of". R.S.O. 1960,
c. 204, s. 42,
subs. 1,
amended

2. This Act may be cited as *The Land Titles Amendment Act, 1967*. Short title

An Act to amend The Land Titles Act

1st Reading

January 25th, 1967

2nd Reading

February 17th, 1967

3rd Reading

February 27th, 1967

MR. WISHART

BILL 2

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Milk Act, 1965

MR. STEWART

EXPLANATORY NOTE

The function of the Commission in certifying co-operatives for the purposes of *The Public Commercial Vehicles Act* is confined to findings of the facts referred to in section 17 of the Act.

BILL 2

1967

An Act to amend The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Milk Act, 1965* is repealed and the following substituted therefor: ^{1965, c. 72, s. 17, re-enacted}

17.—(1) Where, upon the application of a co-operative corporation to which Part V of *The Corporations Act* applies and of which one of the objects is to engage in the transportation of milk, the Commission is satisfied that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants, the Commission shall issue a certificate to that effect to the Minister of Transport, and the corporation in respect of which the certificate is issued is not required to have an operating licence under *The Public Commercial Vehicles Act* for the purpose of transporting the milk of such producers. ^{Transportation of milk by producers co-operative R.S.O. 1960, c. 71}

(2) The Commission may, after a hearing, revoke a certificate where the corporation ceases to meet the qualifications required by subsection 1, and shall give notice of the revocation to the Minister of Transport. ^{Revocation of certificates}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Milk Amendment Act, 1967*. ^{Short title}

An Act to amend The Milk Act, 1965

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. STEWART

BILL 2

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Milk Act, 1965

MR. STEWART



BILL 2

1967

An Act to amend The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Milk Act, 1965* is repealed and the following substituted therefor: 1965, c. 72, s. 17, re-enacted

17.—(1) Where, upon the application of a co-operative corporation to which Part V of *The Corporations Act* applies and of which one of the objects is to engage in the transportation of milk, the Commission is satisfied that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants, the Commission shall issue a certificate to that effect to the Minister of Transport, and the corporation in respect of which the certificate is issued is not required to have an operating licence under *The Public Commercial Vehicles Act* for the purpose of transporting the milk of such producers. Transportation of milk by producers co-operative R.S.O. 1960, c. 71

(2) The Commission may, after a hearing, revoke a certificate where the corporation ceases to meet the qualifications required by subsection 1, and shall give notice of the revocation to the Minister of Transport. Revocation of certificates

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Milk Amendment Act, 1967*. Short title

An Act to amend The Milk Act, 1965

1st Reading

January 27th, 1967

2nd Reading

February 17th, 1967

3rd Reading

March 22nd, 1967

MR. STEWART

BILL 3

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Department of Agriculture and Food Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of the Bill is to authorize the guarantee of loans to farmers for the purpose of paying mortgages, taxes or production expenses at times of loss by adverse weather.

BILL 3

1967

An Act to amend The Department of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5*b* of *The Department of Agriculture and Food Act*, as re-enacted by section 1 of *The Department of Agriculture Amendment Act, 1965* and amended by subsection 1 of section 7 of *The Department of Agriculture Amendment Act, 1966*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 92, s. 5*b*
(1965,
c. 27, s. 1),
subs. 1,
amended

- (*d*) the principal sum of \$5,000 together with interest thereon made to farmers who incur crop losses occasioned by adverse weather in any year for the purpose of paying mortgage payments, taxes or production operating expenses in that year or the next year.

(2) Subsection 1*a* of the said section 5*b*, as enacted by subsection 2 of section 7 of *The Department of Agriculture Amendment Act, 1966*, is amended by inserting after "clause *c*" in the first line "or *d*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 92, s. 5*b*,
subs. 1*a*
(1966,
c. 39, s. 7,
subs. 2),
amended

- (1*a*) Where a guarantee is given under clause *c* or *d* of subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on the loan for the whole or any part of the term of the guarantee.

Payment
of interest
by Ontario

2. Payments of interest made under subsection 1*a* of section 5*b* of *The Department of Agriculture and Food Act* in respect of loans referred to in clause *d* of subsection 1 of the said section 5*b*, as enacted by subsection 1 of section 1 of this Act, during the fiscal year ending on the 31st day of March,

Moneys

1967, shall be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of November, 1966.

Short title

4. This Act may be cited as *The Department of Agriculture and Food Amendment Act, 1967*.



An Act to amend The Department
of Agriculture and Food Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. STEWART

BILL 3

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Department of Agriculture and Food Act

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of the Bill is to authorize the guarantee of loans to farmers for the purpose of paying mortgages, taxes or production expenses at times of loss by adverse weather.

BILL 3

1967

An Act to amend The Department of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5b of *The Department of Agriculture and Food Act*, as re-enacted by section 1 of *The Department of Agriculture Amendment Act, 1965* and amended by subsection 1 of section 7 of *The Department of Agriculture Amendment Act, 1966*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 92, s. 5b
(1965,
c. 27, s. 1),
subs. 1,
amended

- (d) the principal sum of \$5,000 together with interest thereon made to farmers who incur crop losses occasioned by adverse weather in 1966 for the purpose of paying mortgage payments, taxes or production operating expenses in 1966 or 1967.

(2) Subsection 1a of the said section 5b, as enacted by subsection 2 of section 7 of *The Department of Agriculture Amendment Act, 1966*, is amended by inserting after "clause c" in the first line "or d", so that the subsection shall read as follows:

R.S.O. 1960,
c. 92, s. 5b,
subs. 1a
(1966,
c. 39, s. 7,
subs. 2),
amended

- (1a) Where a guarantee is given under clause c or d of subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on the loan for the whole or any part of the term of the guarantee.

Payment
of interest
by Ontario

2. Payments of interest made under subsection 1a of section 5b of *The Department of Agriculture and Food Act* in respect of loans referred to in clause d of subsection 1 of the said section 5b, as enacted by subsection 1 of section 1 of this Act, during the fiscal year ending on the 31st day of March,

Moneys

1967, shall be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of November, 1966.

Short title

4. This Act may be cited as *The Department of Agriculture and Food Amendment Act, 1967*.



An Act to amend The Department
of Agriculture and Food Act

1st Reading

January 27th, 1967

2nd Reading

February 23rd, 1967

3rd Reading

MR. STEWART

(Reprinted as amended by the
Committee of the Whole House)

BILL 3

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Department of Agriculture and Food Act

MR. STEWART



BILL 3

1967

An Act to amend The Department of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5*b* of *The Department of Agriculture and Food Act*, as re-enacted by section 1 of *The Department of Agriculture Amendment Act, 1965* and amended by subsection 1 of section 7 of *The Department of Agriculture Amendment Act, 1966*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 92, s. 5*b*
(1965,
c. 27, s. 1),
subs. 1,
amended

- (*d*) the principal sum of \$5,000 together with interest thereon made to farmers who incur crop losses occasioned by adverse weather in 1966 for the purpose of paying mortgage payments, taxes or production operating expenses in 1966 or 1967.

(2) Subsection 1*a* of the said section 5*b*, as enacted by subsection 2 of section 7 of *The Department of Agriculture Amendment Act, 1966*, is amended by inserting after "clause *c*" in the first line "or *d*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 92, s. 5*b*,
subs. 1*a*
(1966,
c. 39, s. 7,
subs. 2),
amended

- (1*a*) Where a guarantee is given under clause *c* or *d* of subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on the loan for the whole or any part of the term of the guarantee.

Payment
of interest
by Ontario

2. Payments of interest made under subsection 1*a* of section 5*b* of *The Department of Agriculture and Food Act* in respect of loans referred to in clause *d* of subsection 1 of the said section 5*b*, as enacted by subsection 1 of section 1 of this Act, during the fiscal year ending on the 31st day of March,

Moneys

1967, shall be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of November, 1966.

Short title

4. This Act may be cited as *The Department of Agriculture and Food Amendment Act, 1967*.



An Act to amend The Department
of Agriculture and Food Act

1st Reading

January 27th, 1967

2nd Reading

February 23rd, 1967

3rd Reading

February 27th, 1967

MR. STEWART

BILL 4

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to provide for the Establishment of the Ontario Agricultural Museum

MR. STEWART

EXPLANATORY NOTE

The Bill provides for the establishment and operation of an Ontario Agricultural Museum.

BILL 4

1967

An Act to provide for the Establishment of the Ontario Agricultural Museum

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Board" means the Ontario Agricultural Museum Advisory Board;

(b) "Minister" means the Minister of Agriculture and Food;

(c) "Museum" means the Ontario Agricultural Museum.

2.—(1) There is hereby established a museum to be known as the Ontario Agricultural Museum.

Ontario
Agricultural
Museum
established

(2) The affairs of the Museum are under the control of the Minister, and the Minister has all the powers necessary for the purpose of carrying out the objects of the Museum.

Powers of
Minister

3.—(1) A curator of the Museum may be appointed under *The Public Service Act, 1961-62* and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Museum.

Curator
and staff
1961-62,
c. 121

(2) The curator shall have the management and administration of the Museum subject to the supervision and direction of the Minister.

Duties of
curator

4.—(1) There shall be a board to be known as the Ontario Agricultural Museum Advisory Board.

Ontario
Agricultural
Museum
Advisory
Board
established

(2) The Board shall consist of not fewer than five and not more than eleven members appointed by the Lieutenant Governor in Council, of whom at least two shall be persons in the public service of Ontario.

Composition

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council shall designate one of the members of the Board as chairman and one of them as vice-chairman of the Board.

Term of
appoint-
ment

(4) A member of the Board may be appointed for a term not exceeding three years but may be re-appointed for one or more further terms.

Quorum

(5) A majority of the members of the Board for the time being constitutes a quorum.

Duties of
Board

5. The object and purpose of the Board is to consider matters relating to the objects of the Museum and to make recommendations thereon to the Minister.

Objects of
Museum

6. The objects of the Museum are,

(a) to display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario; and

(b) to inform and stimulate the interest of the public in matters depicted by the Museum.

Agreements
for loan of
displays

7.—(1) The Minister is authorized to enter into agreements, in the form prescribed by the regulations, with any person or persons for the display in the Museum, for any period or periods of time, of articles and documents referred to in section 6, owned by or in the care and control of such person or persons.

Agreements
for use of
facilities

(2) The Minister is authorized to enter into agreements, in the form prescribed by the regulations, with any person or persons for the use by such person or persons of any facilities, property and equipment, acquired for the purposes of the Museum, for holding exhibitions, related to the objects of the Museum, jointly with the Museum or otherwise, and any such agreement may provide that the whole or any part of the admission fees collected during the holding of the exhibition be paid over to the person or persons with whom the agreement is made.

Acquisition
of displays

(3) The Minister may, out of the moneys appropriated by the Legislature for the purposes of the Museum, acquire such articles and documents as he deems necessary or advisable for achieving the objects of the Museum and may dispose of such articles or documents as he deems advisable.

Regulations

8.—(1) The Lieutenant Governor in Council may make regulations,

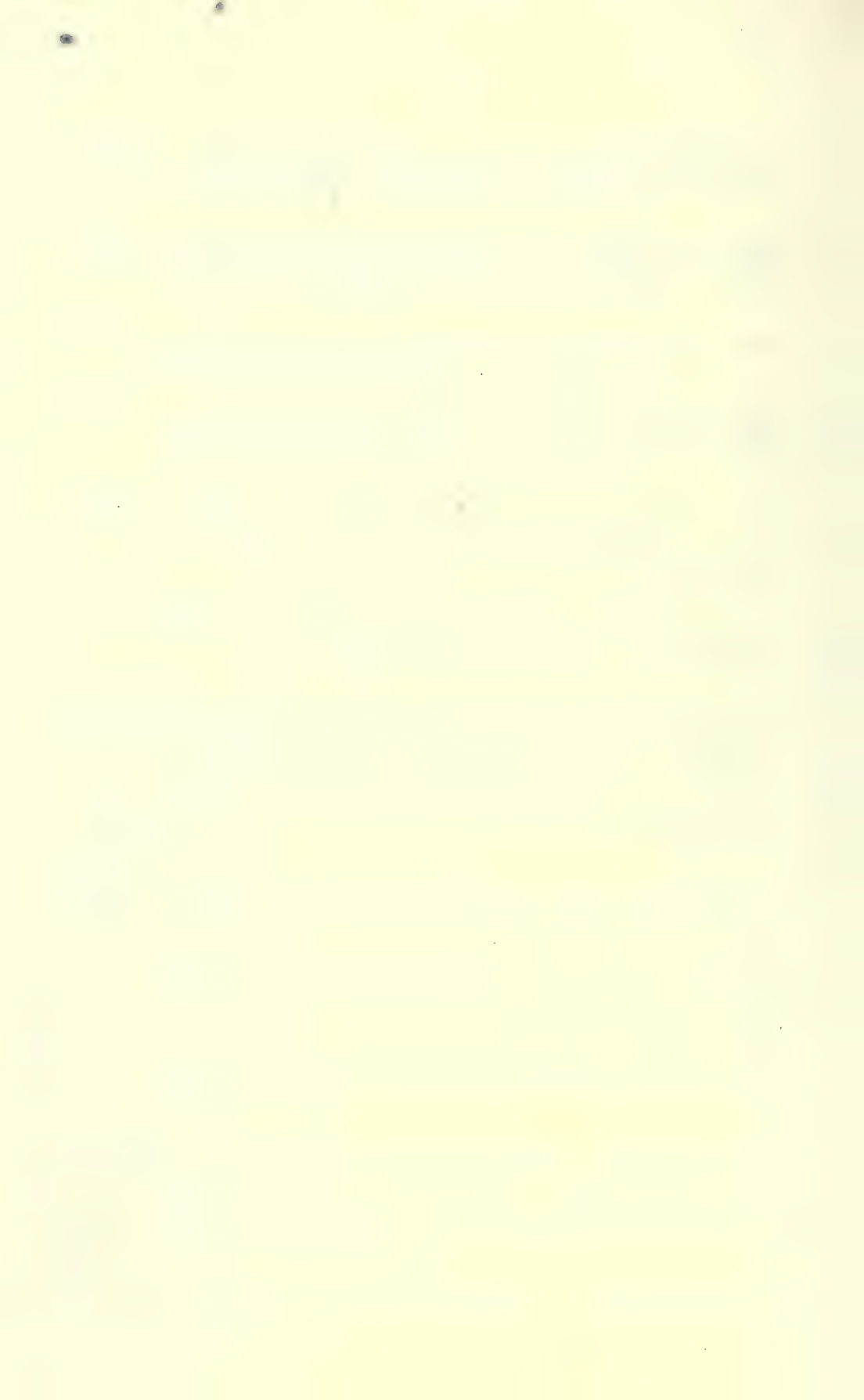
- (a) establishing one or more endowment funds in furtherance of the objects of the Museum, and governing such funds;
- (b) regulating and governing the use by the public of the facilities, property and equipment acquired for the purposes of the Museum;
- (c) requiring the payment of fees for the admission of the public or any class thereof to the Museum, and prescribing the amounts;
- (d) prescribing the form, terms and conditions for agreements referred to in section 7;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A person who contravenes a regulation made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. ^{Penalty}

9. The moneys required for the purposes of this Act shall, until the 31st day of March, 1968, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. ^{Moneys}

10. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

11. This Act may be cited as *The Ontario Agricultural Museum Act, 1967*. ^{Short title}



An Act to provide for the Establishment
of the Ontario Agricultural Museum

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. STEWART

BILL 4

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to provide for the Establishment of the Ontario Agricultural Museum

MR. STEWART



BILL 4

1967

An Act to provide for the Establishment of the Ontario Agricultural Museum

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Board" means the Ontario Agricultural Museum Advisory Board;

(b) "Minister" means the Minister of Agriculture and Food;

(c) "Museum" means the Ontario Agricultural Museum.

2.—(1) There is hereby established a museum to be known as the Ontario Agricultural Museum.

Ontario
Agricultural
Museum
established

(2) The affairs of the Museum are under the control of the Minister, and the Minister has all the powers necessary for the purpose of carrying out the objects of the Museum.

Powers of
Minister

3.—(1) A curator of the Museum may be appointed under *The Public Service Act, 1961-62* and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Museum.

Curator
and staff
1961-62,
c. 121

(2) The curator shall have the management and administration of the Museum subject to the supervision and direction of the Minister.

Duties of
curator

4.—(1) There shall be a board to be known as the Ontario Agricultural Museum Advisory Board.

Ontario
Agricultural
Museum
Advisory
Board
established

(2) The Board shall consist of not fewer than five and not more than eleven members appointed by the Lieutenant Governor in Council, of whom at least two shall be persons in the public service of Ontario.

Composition

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council shall designate one of the members of the Board as chairman and one of them as vice-chairman of the Board.

Term of
appoint-
ment

(4) A member of the Board may be appointed for a term not exceeding three years but may be re-appointed for one or more further terms.

Quorum

(5) A majority of the members of the Board for the time being constitutes a quorum.

Duties of
Board

5. The object and purpose of the Board is to consider matters relating to the objects of the Museum and to make recommendations thereon to the Minister.

Objects of
Museum

6. The objects of the Museum are,

- (a) to display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario; and
- (b) to inform and stimulate the interest of the public in matters depicted by the Museum.

Agreements
for loan of
displays

7.—(1) The Minister is authorized to enter into agreements, in the form prescribed by the regulations, with any person or persons for the display in the Museum, for any period or periods of time, of articles and documents referred to in section 6, owned by or in the care and control of such person or persons.

Agreements
for use of
facilities

(2) The Minister is authorized to enter into agreements, in the form prescribed by the regulations, with any person or persons for the use by such person or persons of any facilities, property and equipment, acquired for the purposes of the Museum, for holding exhibitions, related to the objects of the Museum, jointly with the Museum or otherwise, and any such agreement may provide that the whole or any part of the admission fees collected during the holding of the exhibition be paid over to the person or persons with whom the agreement is made.

Acquisition
of displays

(3) The Minister may, out of the moneys appropriated by the Legislature for the purposes of the Museum, acquire such articles and documents as he deems necessary or advisable for achieving the objects of the Museum and may dispose of such articles or documents as he deems advisable.

Regulations

8.—(1) The Lieutenant Governor in Council may make regulations,

- (a) establishing one or more endowment funds in furtherance of the objects of the Museum, and governing such funds;
- (b) regulating and governing the use by the public of the facilities, property and equipment acquired for the purposes of the Museum;
- (c) requiring the payment of fees for the admission of the public or any class thereof to the Museum, and prescribing the amounts;
- (d) prescribing the form, terms and conditions for agreements referred to in section 7;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A person who contravenes a regulation made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. ^{Penalty}

9. The moneys required for the purposes of this Act shall, until the 31st day of March, 1968, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. ^{Moneys}

10. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

11. This Act may be cited as *The Ontario Agricultural Museum Act, 1967*. ^{Short title}



An Act to provide for the Establishment
of the Ontario Agricultural Museum

1st Reading

January 27th, 1967

2nd Reading

February 17th, 1967

3rd Reading

March 22nd, 1967

MR. STEWART

BILL 5

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The County Judges Act

MR. WISHART

EXPLANATORY NOTE

The Bill authorizes the appointment of a second district court judge for the District of Cochrane and two additional county court judges for the County of York.

BILL 5

1967

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The County Judges Act*,^{R.S.O. 1960, c. 77, s. 2, subs. 1, amended} as amended by subsection 1 of section 1 of *The County Judges Amendment Act, 1965*, is further amended by inserting after “of” in the fourth line “Cochrane”, so that the subsection shall read as follows:

(1) A junior judge may be appointed for the county^{Junior judges} court of each of the counties of Carleton, Essex and Welland and for the district court of each of the districts of Cochrane, Sudbury and Thunder Bay.

(2) Subsection 3 of the said section 2 is amended by striking out “Eight” in the first line and inserting in lieu thereof^{R.S.O. 1960, c. 77, s. 2, subs. 3, amended} “Ten”, so that the subsection shall read as follows:

(3) Ten junior judges may be appointed for the county^{Idem} court of the county of York.

2. This Act comes into force on the day it receives Royal<sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The County Judges Amendment*^{Short title} *Act, 1967*.

An Act to amend The County Judges Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 5

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The County Judges Act

MR. WISHART



BILL 5

1967

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 2, as amended by subsection 1 of section 1 of *The County Judges Amendment Act, 1965*, is further amended by inserting after subs. 1, “of” in the fourth line “Cochrane”, so that the subsection shall read as follows:

(1) A junior judge may be appointed for the county Junior court of each of the counties of Carleton, Essex and judges Welland and for the district court of each of the districts of Cochrane, Sudbury and Thunder Bay.

(2) Subsection 3 of the said section 2 is amended by striking R.S.O. 1960, c. 77, s. 2, out “Eight” in the first line and inserting in lieu thereof subs. 3, “Ten”, so that the subsection shall read as follows: amended

(3) Ten junior judges may be appointed for the county Idem court of the county of York.

2. This Act comes into force on the day it receives Royal Commence- Assent. ment

3. This Act may be cited as *The County Judges Amendment Act, 1967*. Short title

An Act to amend The County Judges Act

1st Reading

January 27th, 1967

2nd Reading

February 17th, 1967

3rd Reading

February 27th, 1967

MR. WISHART

BILL 6

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The County Courts Act

MR. WISHART

EXPLANATORY NOTE

The date for the commencement of the sittings for trials of issues of fact and assessments of damages with or without a jury and of the general sessions of the peace in the district court for the District of Sudbury is advanced from the first Monday of June to the first Monday of May, and from the fourth Tuesday of November to the first Tuesday of November.

BILL 6

1967

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 11 of *The County Courts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 76, s. 11,
cl. *j*,
re-enacted

(*j*) Sudbury, commencing on the first Monday of May
and on the first Tuesday of November; and

.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The County Courts Amendment Act, 1967*.

Short title

An Act to amend The County Courts Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 6

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The County Courts Act

MR. WISHART



BILL 6

1967

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 11 of *The County Courts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 76, s. 11,
cl. *j*,
re-enacted

(*j*) Sudbury, commencing on the first Monday of May and on the first Tuesday of November; and

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The County Courts Amendment Act, 1967*.

Short title

An Act to amend The County Courts Act

1st Reading

January 27th, 1967

2nd Reading

February 17th, 1967

3rd Reading

February 27th, 1967

MR. WISHART

BILL 7

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

MR. WISHART

EXPLANATORY NOTE

The amendment permits a foreign maintenance order to be defended on its merits and not as part of a larger question, such as divorce or custody.

BILL 7

1967

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Reciprocal Enforcement of Maintenance Orders Act* R.S.O. 1960,
c. 346,
amended
is amended by adding thereto the following section:

5a. Where an order or judgment made by a court in a reciprocating state includes provision for maintenance in the determination of any other question, the court in Ontario may, in its discretion, Where maintenance ancillary to larger question

(a) deem the provision for maintenance to be severed from any other question determined by the order or judgment; and

(b) deem the provision for maintenance to be a provisional order for maintenance and deal with the order under section 5.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1967*. Short title

An Act to amend The Reciprocal
Enforcement of Maintenance Orders Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 7

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

MR. WISHART



BILL 7

1967

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Reciprocal Enforcement of Maintenance Orders Act* R.S.O. 1960, c. 346, amended is amended by adding thereto the following section:

5a. Where an order or judgment made by a court in a reciprocating state includes provision for maintenance in the determination of any other question, the court in Ontario may, in its discretion, ^{Where maintenance ancillary to larger question}

(a) deem the provision for maintenance to be severed from any other question determined by the order or judgment; and

(b) deem the provision for maintenance to be a provisional order for maintenance and deal with the order under section 5.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1967*. ^{Short title}

An Act to amend The Reciprocal
Enforcement of Maintenance Orders Act

1st Reading

January 27th, 1967

2nd Reading

February 17th, 1967

3rd Reading

February 27th, 1967

MR. WISHART

BILL 8

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Municipal Act

MR. LAWRENCE (St. George)

EXPLANATORY NOTE

The purpose of this Bill is to affirmatively set out the duties and responsibilities of elected members of municipal councils and of officers of municipal corporations, and to provide a procedure for declaring conflicts of interests between a member's personal interests and those of the municipality, and to provide remedies and penalties for a breach thereof.

BILL 8

1967

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of subsection 1 of section 35 of *The Municipal Act* is repealed. R.S.O. 1960,
c. 249, s. 35,
subs. 1,
cl. *g*,
repealed
2. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended
 - 35a.—(1) Every member of the council of a municipality and every officer of a municipal corporation shall exercise the powers and discharge the duties of his office honestly, carefully, diligently, in good faith and in the best interests of the municipality. Members
and officers
to act
in best
interests of
municipality
 - (2) Without limiting the generality of subsection 1, every member of the council of a municipality who has, or knowingly intends to have, directly or indirectly, any material interest in, or has or will have any material benefit or consideration arising from, any contract or transaction to which the municipal corporation is, or is to be, a party shall declare such interest, benefit or consideration in such contract or transaction at a meeting of the council as provided in subsection 3, and shall at that time disclose reasonable details of such interests, benefit or consideration, and shall refrain from discussion thereon at any meeting of the council, and shall not vote thereon nor influence any other member in respect of his voting thereon. Declaration
of interest
in contract,
etc.
 - (3) In the case of a proposed contract or transaction, the declaration required by subsection 2 shall be made at the meeting of council at which the question of entering into the contract or transaction is first considered or, if the member is not, at the date of such meeting, interested in the proposed contract or When
declaration
of interest
to be made

transaction, at the next meeting of council after the member becomes so interested, and, in a case where the member becomes so interested in a contract or transaction after it is entered into, the declaration shall be made at the first meeting of council held after he becomes so interested.

Order
declaring
member's
seat
vacant

- (4) If a member fails to make a declaration or to refrain from discussion or to abstain from voting as required by this section, the provisions of Part IV apply *mutatis mutandis*, and an application may be made thereunder by any municipal elector or by the municipal corporation for an order declaring the member's seat vacant, and, upon such an order being made, the member shall be liable to account to the municipal corporation in respect of any profit, gain or benefit derived by him from any such contract or transaction.

Order
declaring
contract,
etc., void

- (5) If, in the opinion of the judge, the contract or transaction is not in the best interests of the municipal corporation, he may in such order declare that the contract or transaction, or any resolution or by-law pertaining thereto, is void.

Municipal
corporation
may be
added as
party

- (6) Upon any application under subsection 4, the judge may add the municipal corporation as a party to the application.

Penalty
where
member's
seat
declared
vacant

- (7) If a member's seat is declared vacant under subsection 4, the member is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Penalty for
improper
exercise
of powers
and duties

- (8) Every member of the council of a municipality and every officer of a municipal corporation who exercises the powers or discharges the duties of his office contrary to subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Short title

3. This Act may be cited as *The Municipal Amendment Act, 1967*.



An Act to amend The Municipal Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. LAWRENCE (St. George)

BILL 9

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Assessment Act

MR. SOPHA

EXPLANATORY NOTE

The subsection **repealed** reads:

The buildings, plant and machinery in, on or under mineral land, and used mainly for obtaining minerals from the ground, or storing the same, and concentrators and sampling plant, and, subject to subsection 10, the minerals in, on or under such land are not assessable.

BILL 9

1967

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 35 of *The Assessment Act* is repealed. R.S.O. 1960,
c. 23, s. 35,
subs. 5,
repealed
2. This Act comes into force on the 1st day of January, 1968. Commence-
ment
3. This Act may be cited as *The Assessment Amendment Act, 1967*. Short title

An Act to amend The Assessment Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 10

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Highway Traffic Act

MR. YOUNG

EXPLANATORY NOTES

SECTION 1. A new provision is added requiring motorcyclists to wear safety helmets.

SECTION 2. The purpose of the amendment is to prevent motorcyclists riding in the lines between lanes of traffic.

BILL 10

1967

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

50b.—(1) Every person while operating a motorcycle upon a highway shall wear a protective helmet of the type and specifications prescribed by the regulations. Protective
helmets for
motor-
cyclists

(2) The Lieutenant Governor in Council may make regulations prescribing the type and specifications of protective helmets required by subsection 1. Regulations
prescribing
helmets

2. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

76a.—(1) The driver or operator of a motorcycle shall not drive or operate the motorcycle on any portion of the roadway except the middle portion of a lane, other than for the purpose of making a turn, in accordance with sections 68 and 69. Motorcycles
to occupy
lane

(2) The driver or operator of a motorcycle shall not pass a motor vehicle, other than a motorcycle, bicycle or tricycle, without moving into the middle portion of a lane available for passing. Idem,
for passing

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 comes into force on the 1st day of September, 1967. Idem

4. This Act may be cited as *The Highway Traffic Amendment Act, 1967*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. YOUNG

BILL 11

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Air Pollution Control Act

MR. COWLING

EXPLANATORY NOTE

The subject matter of the Bill was recommended by the Select Committee on Air Pollution and Smoke Control in its Final Report dated the 14th day of February, 1957.

BILL 11

1967

An Act to amend The Air Pollution Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 12,
amended

6b.—(1) No person shall operate a motor vehicle as defined in *The Highway Traffic Act* unless the vehicle has incorporated in or on it and makes effective use of a device designated for the vehicle under subsection 2 and bearing the mark of approval of a testing agency designated under subsection 2. Exhaust
control
devices
R.S.O. 1960,
c. 172

(2) The Lieutenant Governor in Council may make regulations, Regulations

(a) designating devices for the elimination or reduction of air contaminants in the products of combustion of motor vehicles or any class thereof;

(b) designating an organization to test and mark its approval on devices designated under clause a.

(3) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Penalty

2. This Act comes into force on the 1st day of September, 1968. Commence-
ment

3. This Act may be cited as *The Air Pollution Control Amendment Act, 1967*. Short title

An Act to amend
The Air Pollution Control Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. COWLING

BILL 12

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Insurance Act

MR. SOPHA

EXPLANATORY NOTE

Where an action is commenced in Ontario arising out of a motor vehicle accident in Ontario and the plaintiff is unable to serve a writ on the defendant by reason of the defendant evading service or being out of the Province or for other reasons, a judge of the court in which the action is commenced is empowered to permit service on the insurer of the defendant.

BILL 12

1967

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 190,
amended

224a. Where an action in Ontario is commenced against an insured alleging that the insured is liable for loss or damage to persons or property occasioned by the operation of an automobile in Ontario, a judge of the court in which the action is commenced, if satisfied that the plaintiff is unable to effect prompt personal service on the insured, may constitute the insurer of the insured the agent of the insured for the service of notice or process in the action. Service of
process on
insurer

2. This Act may be cited as *The Insurance Amendment Act, 1967*. Short title

An Act to amend The Insurance Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 13

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Wages Act

MR. SOPHA

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of this Bill is to outlaw assignments of wages except in the case of assignments to credit unions. In these cases the law continues unchanged.

BILL 13

1967

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 7 of *The Wages Act*, as re-enacted by section 1 of *The Wages Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 421, s. 7,
subs. 6
(1960-61,
c. 103, s. 1),
re-enacted

(6) Except as provided in subsection 7, any provision of any contract hereafter made that provides for the assignment by the debtor to the creditor of any portion of the debtor's wages is invalid.

Assignment
of wages

(7) Any contract hereafter made between a debtor and a credit union to which *The Credit Unions Act* applies may provide for the assignment by the debtor to the credit union of a portion of the debtor's wages up to but not exceeding the portion thereof that is liable to attachment or seizure under this section.

Idem.
credit
unions
R.S.O. 1960,
c. 79,

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Wages Amendment Act, 1967*.

Short title

An Act to amend The Wages Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 14

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Law Society Act

MR. SOPHA

EXPLANATORY NOTE

Self-explanatory.

BILL 14

1967

An Act to amend The Law Society Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act* is amended by adding thereto the following section: R.S.O. 1960, c. 207, amended

49a. No disciplinary or other action shall be taken by the Society, the benchers or any committee of benchers against any barrister and solicitor for anything he may do or say while holding the office of Minister of Justice and Attorney General for Ontario. Saving as to Minister of Justice and Attorney General

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Law Society Amendment Act, 1967*. Short title

An Act to amend The Law Society Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 15

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to repeal The Gaming Act

MR. SOPHA



BILL 15

1967

An Act to repeal The Gaming Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Gaming Act* is repealed. R.S.O. 1960,
c. 159,
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** This Act may be cited as *The Gaming Repeal Act, 1967*. Short title

An Act to repeal The Gaming Act

1st Reading

January 27th, 1967

2nd Reading

3rd Reading

MR. SORNA

BILL 16

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16¹ ELIZABETH II, 1967

An Act to amend The Loan and Trust Corporations Act

MR. SINGER

EXPLANATORY NOTE

The present provision reads:

- 89.** A corporation may maintain a reserve fund out of its earnings or other income not required to meet its present liabilities.

This permissive provision is replaced by a mandatory provision.

BILL 16

1967

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 89 of *The Loan and Trust Corporations Act* R.S.O. 1960,
c. 222, s. 89,
re-enacted is repealed and the following substituted therefor:

89.—(1) Every corporation to which this Act applies Reserve
fund shall maintain in the Province of Ontario Savings Office a reserve fund out of its earnings or other income not required to meet its current liabilities of such amount as the Lieutenant Governor in Council may determine from time to time.

(2) The amount of the reserve fund mentioned in subsection 1 may be determined in respect of any one or more corporations to which this Act applies or to any class thereof. Idem

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1967*. Short title

An Act to amend
The Loan and Trust Corporations Act

1st Reading

January 30th, 1967

2nd Reading

3rd Reading

MR. SINGER

BILL 17

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

**An Act to provide for the Appointment of a Commissioner
to investigate Administrative Decisions and Acts of
Officials of the Government of Ontario and its
Agencies, and to define the Commissioner's
Powers and Duties**

MR. SINGER

U. S. DEPT. OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D. C.
1914

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agency" means an agency of the Government of Ontario;
- (b) "Commissioner" means the Commissioner of the Legislature appointed under this Act;
- (c) "department" means a department of the Government of Ontario;
- (d) "minister" means a member of the Executive Council.

2. There shall be appointed by the Lieutenant Governor in Council on the recommendation of the Assembly as an officer of the Legislature a commissioner, to be called the Commissioner of the Legislature, who shall exercise the powers and perform the duties specified in this Act.

3. The Commissioner shall not be a member of the Assembly and shall not hold any office of trust or profit, other than his office as Commissioner, or engage in any occupation for reward outside the duties of his office.

4.—(1) The recommendation for the appointment of the Commissioner shall be made in the first session of every Legislature.

Re-appoint-
ment

(2) Unless his office sooner becomes vacant, every person appointed as Commissioner shall hold office until his successor is appointed, and every such person may from time to time be re-appointed.

Resignation

(3) The Commissioner may at any time resign his office by a writing addressed to the Speaker of the Assembly or, if there is no Speaker or if the Speaker is absent from Ontario, to the Clerk of the Assembly.

Removal
from office

5.—(1) The Commissioner may at any time be removed or suspended from his office by the Lieutenant Governor in Council on the recommendation of the Assembly for disability, neglect of duty, misconduct or upon a bankruptcy.

Suspension
when
Legislature
not in
session

(2) At any time when the Legislature is not in session, the Commissioner may be suspended from his office by the Lieutenant Governor in Council for disability, neglect of duty, misconduct or upon a bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but any such suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Filling of
vacancy

6.—(1) If the Commissioner dies, retires, resigns or is removed from office, the vacancy thereby created shall be filled in accordance with this section.

When
Legislature
in session

(2) If a vacancy in the office of Commissioner occurs at any time while the Legislature is in session, it shall be filled by the appointment of a Commissioner by the Lieutenant Governor in Council on the recommendation of the Assembly, but, if the vacancy occurs less than one month before the end of that session and no such recommendation is made in that session, subsection 3 applies as if the vacancy had occurred while the Legislature was not in session.

When
Legislature
not in
session

(3) If such a vacancy occurs at any time while the Legislature is not in session, the Lieutenant Governor in Council may appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the Assembly, and, if the appointment is not so confirmed within two months after the commencement of the next ensuing session, the appointment lapses, and there shall be deemed to be another vacancy in the office of Commissioner.

Oath of
office

7.—(1) Before entering upon his duties, the Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office and that he will not, except in accordance with subsection 3 of section 16, divulge any information received by him under this Act.

(2) The oath shall be administered by the Speaker of the ^{Idem} Assembly or by the Clerk of the Assembly.

8.—(1) Subject to subsection 2, the Commissioner may ^{Staff} appoint such officers and employees as may be necessary for the efficient carrying out of his functions under this Act.

(2) The number of persons that may be appointed under ^{Idem} this section, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Lieutenant Governor in Council.

9.—(1) The principal function of the Commissioner is to ^{Functions} investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any Act.

(2) The Commissioner may make any such investigation ^{Initiation of investigation} either on a complaint made to him by any person or of his own motion, and he may commence any such investigation notwithstanding that the complaint may not on its face be against any such decision, recommendation, act or omission as aforesaid.

(3) Without limiting subsection 1, any committee of the ^{Referrals by committees} Assembly may at any time refer to the Commissioner, for investigation and report by him, any petition that is before that committee for consideration or any matter to which the petition relates, and, in any such case, the Commissioner shall, subject to any special directions of the committee, investigate the matters so referred to him so far as they are within his jurisdiction and make such report to the committee as he thinks fit, but nothing in section 12, 17 or 18 applies in respect of any investigation or report made under this subsection.

(4) The powers and duties conferred on the Commissioner ^{Powers and duties paramount} by this Act may be exercised and performed notwithstanding any provision in any Act to the effect that any decision, recommendation, act or omission mentioned in subsection 1 is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

(5) Nothing in this Act authorizes the Commissioner to ^{Areas outside jurisdiction} investigate,

- (a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, whether or not that right of appeal or objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired; or
- (b) any decision, recommendation, act or omission of any person acting as a solicitor for the Crown or acting as counsel for the Crown in relation to any proceedings.

Determina-
tion of
jurisdiction

(6) If any question arises as to whether the Commissioner has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guide
rules

10.—(1) The Assembly may from time to time, if it thinks fit, make general rules for the guidance of the Commissioner in the exercise of his functions, and may at any time in like manner revoke or vary any such rules.

Publication
of reports

(2) Any such rules may authorize the Commissioner from time to time, in the public interest or in the interests of any person or department or agency, to publish reports relating generally to the exercise of his functions under this Act or to any particular case or cases investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report to the Assembly under this Act.

Publication
of rules

(3) All such rules shall be printed and published.

Mode of
complaint

11.—(1) Every complaint to the Commissioner shall be made in writing.

Letters
to be
forwarded

(2) Notwithstanding any Act, where a letter written by any person in custody on a charge or after conviction of any offence, or by any inmate of any private sanitarium within the meaning of *The Private Sanitaria Act* or mental hospital within the meaning of *The Mental Hospitals Act*, is addressed to the Commissioner, it shall be immediately forwarded, unopened, to the Commissioner by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is an inmate.

Commis-
sioner may
refuse to
investigate
complaint

12.—(1) If in the course of the investigation of any complaint it appears to the Commissioner,

(a) that under the law or existing administrative practice there is an adequate remedy, other than the right to petition the Legislature, for the complainant, whether or not he has availed himself of it; or

(b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Act, the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commissioner, or if in his opinion,

(a) the subject-matter of the complaint is trivial;

(b) the complaint is frivolous or vexatious or is not made in good faith; or

(c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall inform the complainant of his decision, and he may, if he thinks fit, state his reasons therefor.

13.—(1) Before investigating any matter under this Act, the Commissioner shall inform the deputy minister of the department affected, or, as the case may require, the administrative head of the agency affected, of his intention to make the investigation.

(2) Every investigation by the Commissioner under this Act shall be conducted in private.

(3) The Commissioner may hear or obtain information from such persons as he thinks fit, and he may make such inquiries as he thinks fit.

(4) It is not necessary for the Commissioner to hold any hearing and no person is entitled as of right to be heard by the Commissioner, but, if at any time during the course of an investigation it appears to the Commissioner that there

may be sufficient grounds for his making a report or recommendation that may adversely affect any department, agency or person, he shall give to that department, agency or person an opportunity to be heard, and at any such hearing the department, agency or person is entitled to counsel.

Consulta-
tions

(5) The Commissioner may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Idem

(6) On the request of any minister in relation to an investigation or in any case where an investigation relates to any recommendation made to a minister, the Commissioner shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 17.

Misconduct

(7) If, during or after any investigation, the Commissioner is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department or agency, he shall refer the matter to the appropriate authority.

Regulation
of procedure

(8) Subject to this Act and any rules made under section 10, the Commissioner may regulate his procedure in such manner as he thinks fit.

Evidence

14.—(1) Subject to this section and section 15, the Commissioner may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by him to furnish to him any such information and to produce any such document, paper or thing that in his opinion relates to any such matter and that may be in the possession or under the control of such person, whether or not such person is an officer, employee or member of a department or agency, and whether or not such document, paper or thing is in the custody or under the control of any such department or agency.

Power
to take
evidence
on oath

(2) The Commissioner may summon before him and examine on oath,

- (a) any person who is an officer or employee or member of any department or agency and who in the Commissioner's opinion is able to give any information mentioned in subsection 1;
- (b) any complainant; or
- (c) with the prior approval of the Minister of Justice and Attorney General in each case, any other person who in the Commissioner's opinion is able to give such information,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by any Act to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Commissioner in relation to that matter, or to produce to the Commissioner any document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure. ^{Duty to maintain secrecy paramount}

(4) With the prior consent in writing of a complainant, any person to whom subsection 3 applies may be required by the Commissioner to supply information or answer any question or produce any document, paper or thing relating only to the complainant, and it is the duty of the person to comply with such requirement. ^{Idem}

(5) Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents, papers and things under this Act as witnesses have in any court. ^{Privilege}

(6) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Commissioner is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person. ^{Evidence not admissible elsewhere}

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with any requirement of the Commissioner under this section. ^{No prosecution}

15.—(1) Where the Minister of Justice and Attorney General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of, ^{Disclosure of certain matters not to be required}

(a) the deliberations of the Executive Council; or

(b) proceedings of the Executive Council, or any committee thereof, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Commissioner shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced, but shall report the giving of such a certificate to the Legislature.

Rule as to
privileged
documents,
etc., does
not apply

(2) Subject to subsection 1, the rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure of the document, paper or thing or the answering of the question would be injurious to the public interest, does not apply in respect of any investigation by or proceedings before the Commissioner.

Secrecy

16.—(1) The Commissioner and every person holding any office or appointment under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

Oath

(2) Every person holding any office or appointment under the Commissioner shall, before he begins to perform his duties under this Act, take an oath, to be administered by the Commissioner, that he will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

Exception

(3) Notwithstanding subsection 1, the Commissioner may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Procedure
after
investigation

17.—(1) This section applies in every case where, after making any investigation under this Act, the Commissioner is of opinion that the decision, recommendation, act or omission that was the subject-matter of the investigation,

(a) appears to have been contrary to law;

(b) was unreasonable, unjust, oppressive, improperly discriminatory or was, in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory;

(c) was based wholly or partly on a mistake of law or fact; or

(d) was wrong.

Idem

(2) This section also applies in any case where the Commissioner is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Commissioner is of opinion, Opinion, etc., to be reported to department

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision;
or
- (g) that any other steps should be taken,

the Commissioner shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency concerned, and may make such recommendations as he thinks fit, and in any such case he may request the department or agency to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations.

(4) If within a reasonable time after the report is made no action is taken that seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency affected, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may thereafter make such report to the Legislature on the matter as he thinks fit. Report to Cabinet and Assembly

(5) The Commissioner shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the department or agency concerned. Idem

(6) Notwithstanding anything in this section, the Commissioner shall not, in any report made under this Act, make any comment that is adverse to any person unless the person has been given an opportunity to be heard. Comment adverse to person

18.—(1) Where on any investigation under this Act the Commissioner makes a recommendation under subsection 3 of section 17 and no action that seems to the Commissioner to Complainant to be informed of result of investigation

be adequate and appropriate is taken thereon within a reasonable time, the Commissioner shall inform the complainant of his recommendation and make such comments on the matter as he thinks fit.

Idem

(2) The Commissioner shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Private
clause

19. No proceedings of the Commissioner shall be held bad for want of form and, except on the ground of lack of jurisdiction, no proceedings or decision of the Commissioner shall be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

20.—(1) No proceedings lie against the Commissioner or against any person holding any office or appointment under the Commissioner for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Not
compellable
as witnesses

(2) Neither the Commissioner nor any person holding any office or appointment under the Commissioner shall be called upon to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Privilege

(3) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Idem
R.S.O. 1960,
c. 211

(4) For the purposes of *The Libel and Slander Act*, any report made by the Commissioner under this Act shall be deemed to be privileged, and a fair and accurate report in a newspaper or a broadcast shall be deemed to be privileged.

Power
to enter
premises

21.—(1) For the purposes of this Act but subject to this section, the Commissioner may at any time enter upon any premises occupied by any department or agency and inspect the premises and, subject to sections 14 and 15, carry out therein any investigation that is within his jurisdiction.

Notice

(2) Before entering upon any such premises, the Commissioner shall notify the deputy minister of the department or, as the case may require, the administrative head of the agency that occupies the premises of his intention so to do.

22.—(1) With the prior approval of the Lieutenant Governor in Council, the Commissioner may from time to time, by writing under his hand, delegate to any person holding any office under him any of his powers under this Act, except this power of delegation and the power to make any report under this Act. Delegation of powers

(2) Any such delegation may be made to a specified person or to the holder for the time being of a specified office or to the holders of offices of a specified class. To whom powers may be delegated

(3) Every such delegation is revocable at will, and no such delegation prevents the exercise of any power by the Commissioner. Delegations revocable

(4) Any such delegation may be made subject to such restrictions and conditions as the Commissioner thinks fit, and may be made either generally or in relation to any particular case or class of cases. Scope of delegations

(5) Until any such delegation is revoked, it continues in force according to its tenor and, in the event of the Commissioner by whom it was made ceasing to hold office, continues to have effect as if made by his successor. Life of delegations

(6) Any person purporting to exercise any power of the Commissioner by virtue of such a delegation shall, when required to do so, produce evidence of his authority to exercise the power. Evidence of delegated powers

23. Without limiting his right to report at any other time, but subject to subsection 6 of section 17 and to any rules made under section 10, the Commissioner shall in each year make a report to the Legislature on the exercise of his functions under this Act. Annual report

24. Every person commits an offence against this Act and is liable on summary conviction to a fine of not more than \$500 who, Offences

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Commissioner or any other person in the exercise of his powers under this Act;
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or any other person under this Act; or

- (c) wilfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his powers under this Act.

Provisions
are in
addition
to other
laws

25. The provisions of this Act are in addition to the provisions of any other Act or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Short title

26. This Act may be cited as *The Commissioner of the Legislature Act, 1967*.

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

1st Reading

January 30th, 1967

2nd Reading

3rd Reading

MR. SINGER

BILL 18

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Highway Traffic Act

MR. EWEN

EXPLANATORY NOTE

Self-explanatory.

BILL 18

1967

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

100b.—(1) No person shall ride on a motorcycle unless he is properly wearing a safety helmet that complies with the regulations. Safety
helmets
for persons
riding
motorcycles

(2) The Lieutenant Governor in Council may make regulations prescribing the standards and specifications of safety helmets that shall be worn by persons riding on motorcycles. Regulations

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1967*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

January 30th, 1967

2nd Reading

3rd Reading

MR. EWEN

BILL 19

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to proclaim Senior Citizens Week

MR. CARRUTHERS

EXPLANATORY NOTE

The Bill creates Senior Citizens Week in honour and recognition of the invaluable contributions which older men and women from every walk of life have made to this Province, and sets out the objects of its observation.

BILL 19

1967

An Act to proclaim Senior Citizens Week

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The week commencing with the third Sunday in June of each year shall be observed under the name of Senior Citizens Week for the purpose of encouraging, Senior Citizens Week proclaimed

- (a) the recognition of contributions made over the years by aged men and women to the life of Ontario;
- (b) the appreciation of past and present services rendered by outstanding aged persons, either individually or in associations;
- (c) the development of special programmes and projects by and for the aged in communities throughout Ontario; and
- (d) the stimulation of general interest in and knowledge of aging and the aged,

and the Saturday culminating Senior Citizens Week shall be observed as Senior Citizens Day for such purpose.

(2) In the year 1967, the Saturday culminating Senior Citizens Week shall be designated Senior Citizens Centennial Day, 1867-1967. Senior Citizens Centennial Day, 1867-1967

2. The Office on Aging of the Department of Public Welfare shall have responsibility for promoting and encouraging observance of this Act, and all Departments, Commissions and other agencies of the Government of Ontario shall co-operate in every way possible. Office on Aging

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Senior Citizens Week Act, 1967*. Short title

An Act to proclaim Senior Citizens Week

1st Reading

January 30th, 1967

2nd Reading

3rd Reading

MR. CARRUTHERS

BILL 20

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Schools Act

MR. GISBORN

EXPLANATORY NOTE

Members of public school boards of trustees are added to the persons who are school visitors.

BILL 20

1967

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Public Schools Act* ^{R.S.O. 1960, c. 330, s. 8, subs. 1, amended} is amended by inserting after "Assembly" in the first line "members of boards of public school trustees", so that the subsection shall read as follows:

- (1) Judges, members of the Assembly, members of ^{Public school} boards of public school trustees, and members of ^{visitors} municipal councils, are school visitors in the municipalities where they respectively reside, and every clergyman is a school visitor in the municipality where he has pastoral charge.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Public Schools Amendment* ^{Short title} *Act, 1967.*

An Act to amend
The Public Schools Act

1st Reading

February 2nd, 1967

2nd Reading

3rd Reading

MR. GISBORN

BILL 21

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Assessment Act

MR. DAVISON

EXPLANATORY NOTE

Self-explanatory.

BILL 21

1967

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 23,
amended

131a.—(1) The council of a local municipality may by by-law authorize and direct the treasurer to credit an amount determined under subsection 2 to the residential real property tax payable by a person who, By-laws
for tax
relief
for aged

(a) is receiving a benefit under the *Old Age Security Act* (Canada) or under any Act requiring a means or needs test, except a benefit under *The General Welfare Assistance Act* for a period of less than three months in the taxation year; R.S.C. 1952,
c. 200
R.S.O. 1960,
c. 164

(b) has, or whose spouse has, been assessed as the owner of real property in the municipality for at least ten of the fifteen years immediately preceding the application;

(c) pays the balance of the taxes levied for the year in respect of which the credit is applied for; and

(d) applies therefor on or before the last day of February in the year in which the tax is levied.

(2) An amount credited under subsection 1 shall not, Limitation
on relief

(a) be credited to the tax payable in respect of more than one property; or

(b) exceed \$150.

Ancillary
by-laws
and
estimates

- (3) A by-law passed under this section may provide for such matters necessary to the administration of this section as the council deems necessary, and the council shall include in the annual estimates of the municipality such sums as are equivalent to the credits granted under the by-laws.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Assessment Amendment Act, 1967*.



An Act to amend The Assessment Act

1st Reading

February 3rd, 1967

2nd Reading

3rd Reading

MR. DAVISON

BILL 22

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Election Act

MR. NIXON

100

100

100

BILL 22

1967

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Election Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 118, s. 17,
amended

- (3) For the purposes of a general election and notwithstanding anything in this Act, a person who, on the date of the issue of the writs therefor, is duly registered and in attendance at a recognized educational institution or who comes to be duly registered and in attendance at such an institution in a polling subdivision prior to the last sitting of the revising officer for such subdivision, and for the purpose of attending such institution resides in a polling subdivision other than that in which he ordinarily resides and who is otherwise qualified as an elector, is entitled to have his name entered on the list of electors for the polling subdivision in which he ordinarily resides and on the list of electors for the polling subdivision in which he resides on the date of the issue of the writs or in which he comes to reside prior to the last sitting of the revising officer, and is entitled to vote in either one of such polling subdivisions as he may elect. Students
residing in
polling
subdivision
other than
that in
which
ordinarily
resident

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Election Amendment Act*, Short title
1967.

An Act to amend The Election Act

1st Reading

February 6th, 1967

2nd Reading

3rd Reading

MR. NIXON

BILL 23

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Assessment Act

MR. PATERSON

EXPLANATORY NOTE

The amendment authorizes local municipalities to pass by-laws to provide a tax credit to old age pensioners.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 23,
amended

7a.—(1) Notwithstanding any general or special Act, Tax credit
to old age
pensioners
the council of any local municipality may pass by-laws authorizing and directing the treasurer of the municipality to allow a credit equivalent to that portion of the real property taxes imposed by the municipality for general purposes on payment by any person of the remaining portion of the real property taxes so imposed in respect of any residential real property or any part thereof owned and occupied by such person, or by the husband or wife of such person, or by both, as his, her or their personal residence, where such person, or the husband or wife of such person, or both, have attained the age of sixty-five years and are receiving a governmental benefit under the *Old Age Security Act* (Canada), R.S.C. 1952,
c. 200
provided that no such credit,

- (a) shall exceed the sum of \$150 in any one year;
- (b) shall be allowed to any person in respect of more than one such property in any one year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of February in the year in which the real property taxes in respect of which such credit is claimed become due and payable; or
- (d) shall be allowed to any person unless such person, or the husband or wife of such person,

or both, have been assessed as the owner of such property for at least the ten years immediately preceding the year in which the application for such a credit is made.

By-laws for
administra-
tion

- (2) Any by-law passed under this section may prescribe such regulations with respect to the administration thereof, not inconsistent with this section, as the council of the municipality may deem proper, and shall provide for including in the yearly estimates all sums required to give effect to the provisions of the by-law.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Assessment Amendment Act, 1967*.



An Act to amend The Assessment Act

1st Reading

February 7th, 1967

2nd Reading

3rd Reading

MR. PATERSON

BILL 24

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to establish the Ontario Deposit Insurance Corporation

MR. ROWNTREE

EXPLANATORY NOTE

The purpose of this Bill is to provide protection by way of insurance to persons depositing money in or loaning money to Ontario incorporated loan corporations and trust companies.

BILL 24

1967

An Act to establish the Ontario Deposit Insurance Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "by-laws" means the by-laws of the Corporation;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Corporation" means the Ontario Deposit Insurance Corporation established by this Act;
- (e) "deposit" means a deposit as defined by section 23;
- (f) "loan corporation" has the same meaning as it has in *The Loan and Trust Corporations Act*;
- (g) "member institution" means a corporation or company any of whose deposits are insured by the Corporation pursuant to this Act;
- (h) "Minister" means the Minister of Financial and Commercial Affairs;
- (i) "Registrar" means the Registrar under *The Loan and Trust Corporations Act*; and
- (j) "trust company" has the same meaning as it has in *The Loan and Trust Corporations Act*.

R.S.O. 1960,
c. 222

PART I

THE CORPORATION

Corporation
established

2.—(1) There is hereby established a corporation, to be known as the Ontario Deposit Insurance Corporation, consisting of the persons who make up the Board.

Crown
agency

(2) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

R.S.O. 1960,
c. 71, not
to apply

(3) *The Corporations Act* does not apply to the Corporation.

Property

(4) The Corporation has power to acquire, hold and alienate real and personal property.

Idem

(5) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Legal
proceedings

(6) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

Head
office

3.—(1) The head office of the Corporation shall be at the City of Toronto and at such place therein as the Board shall from time to time determine.

Offices and
agents

(2) The Corporation may establish offices or employ agents in any part of Ontario.

Board of
directors

4.—(1) The Board shall consist of the person appointed as the Chairman and the persons who for the time being hold, respectively, the offices of the Deputy Provincial Treasurer, the Comptroller of Finance, the Deputy Minister of Financial and Commercial Affairs, and the Registrar, and such other persons as may be appointed by the Lieutenant Governor in Council.

Alternate
director

(2) In the event of the absence or incapacity of any director of the Corporation other than the Chairman, the Minister may appoint, for a period not exceeding thirty days, an alternate for such director who shall serve on the Board during such absence or incapacity and who shall, while so serving, be deemed to be a member of the Board.

(3) A member of the Board shall be paid by the Corporation ^{Travelling expenses} reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a director, but no director of the Corporation, other than the Chairman, shall receive any other remuneration for his services on the Board.

5.—(1) The Lieutenant Governor in Council shall appoint ^{Chairman} a person to be the Chairman.

(2) No person is eligible to be appointed or to continue ^{Disqualification} as Chairman who,

- (a) is not a Canadian citizen ordinarily resident in Ontario;
- (b) is a member of the Senate or House of Commons of Canada or a member of the Assembly;
- (c) is a director, officer or employee of a member institution; or
- (d) has reached the age of seventy years.

(3) The Chairman shall preside at all meetings of the Board, ^{Functions} but, where at any meeting the Chairman is absent, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and shall exercise the powers of the Chairman.

(4) The Chairman shall be paid by the Corporation such ^{Pay} remuneration as may be fixed by the Lieutenant Governor in Council.

6. The Chairman, the other members of the Board and the officers and employees of the Corporation are not personally ^{No personal liability} liable for anything done by the Board or any of them under the authority of this Act.

7.—(1) The authorized capital of the Corporation is ^{Authorized capital} \$5,000,000 divided into five shares of the par value of \$1,000,000 each.

(2) The Treasurer of Ontario shall subscribe for the five ^{Subscription} shares of the capital stock of the Corporation and shall pay the amount of such subscription out of the Consolidated Revenue Fund at such time or from time to time as the Corporation may require.

(3) The shares of the capital stock of the Corporation are ^{Shares not transferable} not transferable and shall be registered in the books of the Corporation in the name of the Treasurer of Ontario and held by him in trust for Her Majesty.

**Financial
year**

8. The financial year of the Corporation ends on the expiration of the 31st day of December in each year.

Audit

9. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

**Annual
report**

10. The Corporation shall, within three months after the termination of each financial year of the Corporation, transmit to the Minister a statement relating to the activities of the Corporation for that year, including the financial statements of the Corporation and the Provincial Auditor's report thereon, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Objects

11. The objects of the Corporation are,

- (a) to provide, for the benefit of persons having deposits with member institutions, insurance (herein referred to as "deposit insurance") against the loss of part or all of such deposits, by making payments to such persons to the extent and in the manner authorized by this Act;
- (b) to provide the deposit insurance required by this Act for member institutions;
- (c) to examine into the affairs of member institutions for the purpose of obtaining information relative to deposit insurance; and
- (d) to accumulate, manage and invest a deposit insurance fund and any other funds accumulated as the result of the operations of the Corporation.

Powers

12. The Corporation may do all things necessary or incidental to the objects of the Corporation and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance of its objects,

- (a) acquire assets from a member institution, make loans or advances to a member institution and take security therefor and guarantee loans to or deposits with a member institution, for the purpose of reducing a risk to the Corporation or reducing or averting a threatened loss to the Corporation;
- (b) act under section 33 when duly authorized and appoint persons, whether employees or not of the Corporation, to carry out any or all of the functions of the Corporation;

- (c) assume the costs of a winding up of a member institution when the Corporation is appointed to act as a liquidator in the winding up or assume the costs of the receiver when the Corporation is appointed to act as such and charge such costs of winding up or receivership to the Accumulated Net Earnings of the Corporation;
- (d) acquire assets of a member institution from a liquidator or receiver thereof;
- (e) make an advance for the purpose of paying a claim, against a member institution for which the Corporation is acting as receiver or liquidator, in respect of any insured deposit and become subrogated as an unsecured creditor for the amount of such advance;
- (f) make or cause to be made such inspections of a member institution as may be authorized under this Act; and
- (g) do all such other things, not contrary to this Act, as may be necessary for the exercising of any of the powers of the Corporation.

13.—(1) The Board shall administer the affairs of the Corporation in all things and make, or cause to be made, for the Corporation any description of contract that the Corporation may by law enter into; and, subject to the approval of the Lieutenant Governor in Council, the Board may make by-laws for,

Powers and
duties of
Board

- (a) the administration, management and control of the property and affairs of the Corporation;
- (b) the functions, duties and remuneration of all officers, agents and employees of the Corporation;
- (c) the appointment or disposition of any special committees from time to time created by the Board for the purposes of the Corporation;
- (d) the issue of the shares of the Corporation;
- (e) the declaration and payment of dividends;
- (f) determining the seal of the Corporation;
- (g) the time and place for the holding of meetings of the directors, the quorum at such meetings and the procedure in all things at such meetings;

- (h) prescribing standards of sound business and financial practices for member institutions;
- (i) authorizing and controlling the use by member institutions of marks, signs, advertisements or other devices indicating that deposits with such institutions are insured by the Corporation; and
- (j) the conduct in all other particulars of the affairs of the Corporation.

Powers of inspection

(2) For the purpose of carrying out any inspection authorized by this Act, the Board may appoint any person to carry out any such inspection, and the person so appointed has the like powers as may be conferred on a commissioner appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

Borrowing powers

14.—(1) Subject to the approval of the Lieutenant Governor in Council and to section 19, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may deem requisite for any of the purposes of the Corporation by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine.

Purposes of Corporation

(2) The purposes of the Corporation, without limiting the generality thereof, include,

- (a) the carrying out of the objects of the Corporation;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money borrowed or raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances;
- (d) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Corporation; and
- (e) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the principal amount thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security. Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized is conclusive evidence to that effect. Authorization

(5) The notes, debentures and other securities of the Corporation shall be executed in such manner as the Corporation, with the approval of the Lieutenant Governor in Council, determines. Execution of securities

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note, and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. Mechanical reproduction of seal and signature authorized

15. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. Securities of Corporation redeemable in advance

16.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act. Guarantee of payment by Province

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council. Form of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever. Validity of guaranty

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

Trustees,
etc., invest-
ments in
debentures

17. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds.

Sale of
Corpora-
tion's
securities
to Province
and
provincial
advances to
Corporation
authorized

18.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

(a) to purchase any debentures, bills or notes of the Corporation; and

(b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Investment
of funds

19. The Corporation may, in its discretion, invest any funds not required in carrying out its objects in debentures or other securities of Canada or of Ontario, or in any securities guaranteed as to principal and interest by either of them.

Temporary
loans

20.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation borrow by way of temporary loan from any chartered bank or from any person such sums as the Corporation deems requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Idem

(2) For the purposes of subsection 1, the Corporation may pledge as security notes, debentures or other securities of the Corporation pending the sale thereof or in lieu of selling the same or may pledge as security bonds, debentures or other securities owned by the Corporation or otherwise give such security as the Corporation determines, and any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Corporation determines.

Limit of
borrowing
powers

21.—(1) The Corporation shall not borrow or raise by way of loan any sums of money if, after giving effect to such borrowing or loan, the aggregate principal amount of the

outstanding debentures, bills and notes issued by the Corporation, of temporary loans raised by the Corporation and of outstanding advances to the Corporation from the Treasurer of Ontario, would exceed \$250,000,000.

(2) Notwithstanding subsection 1, the Corporation shall ^{Idem} not question the validity of any borrowings by it, or of any debentures bills or notes issued by it, all of which shall be binding upon the Corporation.

PART II

MEMBER INSTITUTIONS

22. For the purposes of this Act, every loan corporation ^{Member institutions} and trust company incorporated under the laws of Ontario and registered under *The Loan and Trust Corporations Act* ^{R.S.O. 1960, c. 222} are member institutions.

PART III

DEPOSIT INSURANCE

23. For the purposes of this Act, a deposit shall be, ^{Deposit defined}

- (a) moneys deposited with a member institution in respect of which such institution is liable to the depositors;
- (b) moneys received under section 82 of *The Loan and Trust Corporations Act* by a trust company that is a member institution; and
- (c) debentures or like obligations issued by a loan corporation that is a member institution.

24.—(1) Each deposit with a member institution is insured ^{Deposits insured} by the Corporation except,

- (a) a deposit that is not payable in Canada or in Canadian currency;
- (b) so much of any one deposit, including interest thereon, as exceeds \$20,000; and
- (c) so much of a deposit as is insured under the *Canada Deposit Insurance Corporation Act*. ^{1966-67 (Can.), c. ...}

Payment

(2) Where the Corporation is obliged to make payment in respect of any deposit insured by the Corporation, the Corporation as soon as possible after the obligation arises shall, in respect of such deposit, make payment to such person as appears entitled thereto by the records of the member institution with which the deposit was made,

- (a) by making available to such person a transferred deposit with another member institution for so much of his deposit as is insured by the Corporation; or
- (b) by paying such person a sum equal to so much of his deposit as is insured by the Corporation.

Effect of payment

(3) Payment under this section by the Corporation in respect of any deposit insured by the Corporation discharges the Corporation from all liability in respect of that deposit, and in no case is the Corporation under any obligation to see to the proper application in any way of the payment so made.

Subrogation

(4) Where the Corporation makes a payment under this section in respect of any deposit with a member institution, the Corporation is subrogated for so much of that deposit as is insured by the Corporation to all the rights and interest of the depositor as against that member institution.

Commencement of insurance, existing member institutions

25.—(1) Except as provided in section 24, the deposits with a member institution that is carrying on business on the day on which this Act comes into force are insured by the Corporation from and after that date in accordance with this Act.

Idem, future member institutions

(2) Except as provided in section 24, when a member institution commences business after the coming into force of this Act, the deposits with such member institution are insured by the Corporation in accordance with this Act on and after the day on which such member institution commences business.

Premiums are debts

26. A premium assessed by the Corporation against a member institution for the purposes of this Act constitutes a debt owing to Her Majesty in right of Ontario, and the amount thereof together with any interest levied by the Corporation as an overdue charge is recoverable by the Corporation by action in any court of competent jurisdiction.

Disposition of premiums

27. All premiums received by the Corporation shall be credited to a Deposit Insurance Fund to be maintained by the Corporation.

28.—(1) The Corporation shall each year assess and collect from each member institution an annual premium equal to the greater of, Assessment and collection of premiums

(a) \$500; or

(b) one-thirtieth of 1 per cent of the total amount of such deposits as are deposited with the member institution on the date as of which the return mentioned in subsection 2 is filed with the Corporation and as are insured by the Corporation.

(2) Each member institution shall file with the Corporation annually an annual return to be certified by the member institution and submitted in such form as of such date and at such time as the Corporation may require. Annual return

(3) One-half of the premium payable by a member institution shall be paid to the Corporation on or before the 30th day of June in the year in which the annual return is to be filed, and the balance shall be paid to the Corporation, without interest, on or before the 31st day of December in that year. Payable in instalments

(4) Notwithstanding anything in this section, the Corporation may charge interest not in excess of 10 per cent per annum on the amount of any premium or any part thereof not paid on or before the due date thereof. Interest

29.—(1) The Corporation shall maintain an account to be known as the Accumulated Net Earnings to which shall be credited all earnings including realized profits on the sale of securities and to which shall be charged all operating expenses, losses and specific provisions for losses in respect of insurance and losses on sales of securities. Accumulated Net Earnings

(2) The Accumulated Net Earnings shall be reported as a separate item in any statement of assets and liabilities of the Corporation and shown as an addition to or a deduction from the Deposit Insurance Fund. Separate item in report

30. The Registrar shall, on behalf of the Corporation, examine the affairs of each member institution at such times as the Corporation may require but no less frequently than once in each year. Inspection of books

31.—(1) After each examination of the affairs of a member institution, the Registrar shall report to the Corporation whether or not, in his opinion, there has been any change in the circumstances of the member institution that might materially affect the position of the Corporation as an insurer and particularly, without limiting the generality of the foregoing, whether or not, in his opinion, Contents of examiner's report

- (a) the returns made by the member institution and on which payment of its premiums were based are correct;
- (b) the operations of the member institution are being conducted in accordance with sound business and financial practices; and
- (c) the member institution is in a satisfactory financial condition.

Idem

R.S.O. 1960,
c. 222

(2) Each such report shall further state whether or not, in the opinion of the Registrar, there has been any breach of the provisions of *The Loan and Trust Corporations Act* and in particular, without limiting the generality of the foregoing, whether or not, in his opinion, there has been any breach of the provisions of *The Loan and Trust Corporations Act* with respect to,

- (a) borrowing powers;
- (b) reserves required on deposit under sections 74 and 84 of that Act; and
- (c) investments authorized by that Act.

Reporting
of defects
and
breaches

32. (1) Where in the opinion of the Corporation, whether such opinion is based upon consideration of a report from the Registrar or upon any other report or information, a member institution,

- (a) is or may be following unsound business or financial practices; or
- (b) is or may be in breach of any provision of this Act; or
- (c) is or may be in breach of any provision of *The Loan and Trust Corporations Act*; or
- (d) is not or may not be in a satisfactory financial condition,

the Corporation shall, in writing and by registered mail, report the same to the president or chairman of the board of directors of the member institution and he shall cause such report to be presented to a meeting of the directors of the member institution within a period of thirty days after its date of receipt and such report shall be incorporated in the minutes of that meeting of directors.

Copy to
Minister

(2) The Corporation shall deliver a copy of each such report to the Minister.

33.—(1) Where the Registrar has reported to the Corporation that, in his opinion, the affairs of a member institution are not in a satisfactory financial condition and the Corporation has reported that, in its opinion, the affairs of the member institution are not in a satisfactory financial condition and where the Minister, after a reasonable time has been given to the member institution to be heard by him and upon such further inquiry and investigation as he sees fit to make, reports to the Lieutenant Governor in Council that he agrees with the opinions of the Registrar and of the Corporation, the Lieutenant Governor in Council may, if he also agrees with the opinions, order the Corporation forthwith to take possession of the property of the member institution and to conduct the business thereof and to take such steps as in its opinion may be taken toward the removal of the causes and conditions which have made such proceedings necessary. ^{Rehabilitation proceedings}

(2) The Corporation shall thereupon take possession of the property of such member institution and conduct its business and take such steps as in the Corporation's opinion may be taken toward the removal of the causes and conditions which have made such proceedings necessary, and for such purposes and without limiting the generality of the foregoing, ^{Idem.}

- (a) the Corporation shall have all the powers of the board of directors of the member institution;
- (b) the Corporation shall have power to exclude the member institution and its servants and agents from the property and business of the member institution; and
- (c) the Corporation shall have power to carry on, manage and conduct the operations of the member institution and in the name of the member institution to preserve, maintain, realize, dispose of and add to the property of the member institution, to receive the incomes and revenues of the member institution and to exercise all the powers of the member institution.

(3) Upon the request of a member institution and with the approval of the Lieutenant Governor in Council, the Corporation may with respect to such member institution exercise the powers mentioned in subsection 2. ^{Idem. upon request}

34. If at any time the Corporation considers that further efforts to place the affairs of a member institution in a satisfactory financial condition would be futile or that the affairs of the member institution have been placed in a satisfactory financial condition, the Corporation may return possession of ^{Where efforts futile}

the property of the member institution to it; and upon such return the powers of the Corporation under subsection 2 of section 33 as a result of the order of the Lieutenant Governor in Council under which the Corporation took possession of the property of the member corporation shall terminate.

Appeal

35.—(1) A member institution may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under subsection 1 of section 33 within thirty days after the making of such order and the delivery of a copy thereof to an officer of the member institution and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, except that the Rules Committee may vary and amend such practice and procedure in respect of appeals taken under this section.

Record

(2) The Minister shall certify to the Registrar of the Supreme Court,

(a) the reports of the Registrar and of the Corporation that have been reviewed by the Minister and by the Lieutenant Governor in Council;

(b) the record of the reviews; and

(c) all written submissions to the Registrar and to the Lieutenant Governor in Council and other material that in the opinion of the Minister are relevant to the appeal.

Counsel

(3) The Minister of Justice and Attorney General may designate counsel to assist the judge upon the hearing of any appeal taken under this section.

Order

(4) Where an appeal is taken under this section, the judge may by his order direct the Corporation to take such action as the judge deems proper and thereupon the Corporation shall act accordingly.

Further decision

(5) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section.

PART IV

OFFENCES

36.—(1) Every person, other than a member institution, ^{Holding out} who, by any written or oral representation of any kind, advertises or holds out any company or corporation as being insured or approved for insurance by the Corporation is guilty of an offence.

(2) Every member institution that makes any written or ^{Advertising} oral representation that it is insured by the Corporation otherwise than by such marks, signs, advertisements or other devices as are authorized by the by-laws of the Corporation and used in the manner and on the occasions prescribed by the by-laws is guilty of an offence.

(3) Every director, officer or employee of a member institution and every auditor thereof who knowingly prepares, signs, ^{False returns, etc.} approves or concurs in any account, statement, return, report or document respecting the affairs of the member institution required by the Registrar, by the Minister or by the Corporation for the purposes of this Act and containing any false or deceptive information or any return that does not present fairly information required by the Registrar, the Minister or the Corporation for the purposes of this Act is guilty of an offence.

(4) Every person who, being a president or chairman of the board of directors of a member institution, ^{Failure to present report, etc.} fails or neglects to present to a meeting of the directors of the member institution, as required by section 32, a report of the Corporation made under that section is guilty of an offence, and, if the directors of the member corporation fail or neglect to incorporate such report in the minutes of a meeting of the directors as required by section 32, each director present at such meeting is guilty of an offence.

(5) Every person, other than a corporation or company, ^{Penalties, individuals} guilty of an offence under this section is on summary conviction liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

(6) Every corporation or company guilty of an offence ^{Idem, corporations} under this section is on summary conviction liable to a fine of not more than \$25,000.

PART V

MISCELLANEOUS

Commence-
ment

37. This Act comes into force on the day on which it receives Royal Assent.

Short title

38. This Act may be cited as *The Ontario Deposit Insurance Corporation Act, 1967*.

An Act to establish the
Ontario Deposit Insurance Corporation

1st Reading

February 8th, 1967

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 24

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to establish the Ontario Deposit Insurance Corporation

MR. ROWNTREE

(Amended by the Committee of the Whole House and Reported)



An Act to establish the Ontario Deposit Insurance Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Board" means the Board of Directors of the Corporation;

(b) "by-laws" means the by-laws of the Corporation;

(c) "Chairman" means the Chairman of the Board;

(d) "Corporation" means the Ontario Deposit Insurance Corporation established by this Act;

(e) "deposit" means a deposit as defined by section 23;

(f) "loan corporation" has the same meaning as it has in *The Loan and Trust Corporations Act*;

R.S.O. 1960,
c. 222

(g) "member institution" means a corporation or company any of whose deposits are insured by the Corporation pursuant to this Act;

(h) "Minister" means the Minister of Financial and Commercial Affairs;

(i) "Registrar" means the Registrar under *The Loan and Trust Corporations Act*; and

(j) "trust company" has the same meaning as it has in *The Loan and Trust Corporations Act*.

PART I

THE CORPORATION

Corporation established **2.**—(1) There is hereby established a corporation, to be known as the Ontario Deposit Insurance Corporation, consisting of the persons who make up the Board.

Crown agency (2) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

R.S.O. 1960, c. 71, not to apply (3) *The Corporations Act* does not apply to the Corporation.

Property (4) The Corporation has power to acquire, hold and alienate real and personal property.

Idem (5) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Legal proceedings (6) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

Head office **3.**—(1) The head office of the Corporation shall be at the City of Toronto and at such place therein as the Board shall from time to time determine.

Offices and agents (2) The Corporation may establish offices or employ agents in any part of Ontario.

Board of directors **4.**—(1) The Board shall consist of the person appointed as the Chairman and the persons who for the time being hold, respectively, the offices of the Deputy Provincial Treasurer, the Comptroller of Finance, the Deputy Minister of Financial and Commercial Affairs, and the Registrar, and such other persons as may be appointed by the Lieutenant Governor in Council.

Alternate director (2) In the event of the absence or incapacity of any director of the Corporation other than the Chairman, the Minister may appoint, for a period not exceeding thirty days, an alternate for such director who shall serve on the Board during such absence or incapacity and who shall, while so serving, be deemed to be a member of the Board.

(3) A member of the Board shall be paid by the Corporation ^{Travelling expenses} reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a director, but no director of the Corporation, other than the Chairman, shall receive any other remuneration for his services on the Board.

5.—(1) The Lieutenant Governor in Council shall appoint ^{Chairman} a person to be the Chairman.

(2) No person is eligible to be appointed or to continue ^{Disqualification} as Chairman who,

- (a) is not a Canadian citizen ordinarily resident in Ontario;
- (b) is a member of the Senate or House of Commons of Canada or a member of the Assembly;
- (c) is a director, officer or employee of a member institution; or
- (d) has reached the age of seventy years.

(3) The Chairman shall preside at all meetings of the Board, ^{Functions} but, where at any meeting the Chairman is absent, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and shall exercise the powers of the Chairman.

(4) The Chairman shall be paid by the Corporation such ^{Pay} remuneration as may be fixed by the Lieutenant Governor in Council.

6. The Chairman, the other members of the Board and the ^{No personal liability} officers and employees of the Corporation are not personally liable for anything done by the Board or any of them under the authority of this Act.

7.—(1) The authorized capital of the Corporation ^{is Authorized capital} is \$5,000,000 divided into five shares of the par value of \$1,000,000 each.

(2) The Treasurer of Ontario shall subscribe for the five ^{Subscription} shares of the capital stock of the Corporation and shall pay the amount of such subscription out of the Consolidated Revenue Fund at such time or from time to time as the Corporation may require.

(3) The shares of the capital stock of the Corporation are ^{Shares not transferable} not transferable and shall be registered in the books of the Corporation in the name of the Treasurer of Ontario and held by him in trust for Her Majesty.

**Financial
year**

8. The financial year of the Corporation ends on the expiration of the 31st day of December in each year.

Audit

9. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

**Annual
report**

10. The Corporation shall be responsible to the Minister and shall, within three months after the termination of each financial year of the Corporation, transmit to the Minister a statement relating to the activities of the Corporation for that year, including the financial statements of the Corporation and the Provincial Auditor's report thereon, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Objects

11. The objects of the Corporation are,

- (a) to provide, for the benefit of persons having deposits with member institutions, insurance (herein referred to as "deposit insurance") against the loss of part or all of such deposits, by making payments to such persons to the extent and in the manner authorized by this Act;
- (b) to provide the deposit insurance required by this Act for member institutions;
- (c) to examine into the affairs of member institutions for the purpose of obtaining information relative to deposit insurance; and
- (d) to accumulate, manage and invest a deposit insurance fund and any other funds accumulated as the result of the operations of the Corporation.

Powers

12. The Corporation may do all things necessary or incidental to the objects of the Corporation and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance of its objects,

- (a) acquire assets from a member institution, make loans or advances to a member institution and take security therefor and guarantee loans to or deposits with a member institution, for the purpose of reducing a risk to the Corporation or reducing or averting a threatened loss to the Corporation;
- (b) act under section 33 when duly authorized and appoint persons, whether employees or not of the Corporation, to carry out any or all of the functions of the Corporation;

- (c) assume the costs of a winding up of a member institution when the Corporation is appointed to act as a liquidator in the winding up or assume the costs of the receiver when the Corporation is appointed to act as such and charge such costs of winding up or receivership to the Accumulated Net Earnings of the Corporation;
- (d) acquire assets of a member institution from a liquidator or receiver thereof;
- (e) make an advance for the purpose of paying a claim, against a member institution for which the Corporation is acting as receiver or liquidator, in respect of any insured deposit and become subrogated as an unsecured creditor for the amount of such advance;
- (f) make or cause to be made such inspections of a member institution as may be authorized under this Act; and
- (g) do all such other things, not contrary to this Act, as may be necessary for the exercising of any of the powers of the Corporation.

13.—(1) The Board shall administer the affairs of the Corporation in all things and make, or cause to be made, ^{Powers and duties of Board} for the Corporation any description of contract that the Corporation may by law enter into; and, subject to the approval of the Lieutenant Governor in Council, the Board may make by-laws for,

- (a) the administration, management and control of the property and affairs of the Corporation;
- (b) the functions, duties and remuneration of all officers, agents and employees of the Corporation;
- (c) the appointment or disposition of any special committees from time to time created by the Board for the purposes of the Corporation;
- (d) the issue of the shares of the Corporation;
- (e) the declaration and payment of dividends;
- (f) determining the seal of the Corporation;
- (g) the time and place for the holding of meetings of the directors, the quorum at such meetings and the procedure in all things at such meetings;

- (h) prescribing standards of sound business and financial practices for member institutions;
- (i) authorizing and controlling the use by member institutions of marks, signs, advertisements or other devices indicating that deposits with such institutions are insured by the Corporation; and
- (j) the conduct in all other particulars of the affairs of the Corporation.

Powers of inspection

(2) For the purpose of carrying out any inspection authorized by this Act, the Board may appoint any person to carry out any such inspection, and the person so appointed has the like powers as may be conferred on a commissioner appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

Borrowing powers

14.—(1) Subject to the approval of the Lieutenant Governor in Council and to section 21, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may deem requisite for any of the purposes of the Corporation by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine.

Purposes of Corporation

(2) The purposes of the Corporation, without limiting the generality thereof, include,

- (a) the carrying out of the objects of the Corporation;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money borrowed or raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances;
- (d) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Corporation; and
- (e) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the principal amount thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security. Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized is conclusive evidence to that effect. Authorization

(5) The notes, debentures and other securities of the Corporation shall be executed in such manner as the Corporation, with the approval of the Lieutenant Governor in Council, determines. Execution of securities

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note, and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. Mechanical reproduction of seal and signature authorized

15. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. Securities of Corporation redeemable in advance

16.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act. Guarantee of payment by Province

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council. Form of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever. Validity of guaranty

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

Trustees,
etc., invest-
ments in
debentures

17. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds.

Sale of
Corpora-
tion's
securities
to Province
and
provincial
advances to
Corporation
authorized

18.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

- (a) to purchase any debentures, bills or notes of the Corporation; and
- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Investment
of funds

19. The Corporation may, in its discretion, invest any funds not required in carrying out its objects in debentures or other securities of Canada or of Ontario, or in any securities guaranteed as to principal and interest by either of them.

Temporary
loans

20.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation borrow by way of temporary loan from any chartered bank or from any person such sums as the Corporation deems requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Idem

(2) For the purposes of subsection 1, the Corporation may pledge as security notes, debentures or other securities of the Corporation pending the sale thereof or in lieu of selling the same or may pledge as security bonds, debentures or other securities owned by the Corporation or otherwise give such security as the Corporation determines, and any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Corporation determines.

Limit of
borrowing
powers

21.—(1) The Corporation shall not borrow or raise by way of loan any sums of money if, after giving effect to such borrowing or loan, the aggregate principal amount of the

outstanding debentures, bills and notes issued by the Corporation, of temporary loans raised by the Corporation and of outstanding advances to the Corporation from the Treasurer of Ontario, would exceed \$250,000,000.

(2) Notwithstanding subsection 1, the Corporation shall ^{Idem} not question the validity of any borrowings by it, or of any debentures, bills or notes issued by it, all of which shall be binding upon the Corporation.

PART II

MEMBER INSTITUTIONS

22. For the purposes of this Act, every loan corporation ^{Member institutions} and trust company incorporated under the laws of Ontario and registered under *The Loan and Trust Corporations Act* ^{R.S.O. 1960, c. 222} are member institutions.

PART III

DEPOSIT INSURANCE

23. For the purposes of this Act, a deposit shall be, ^{Deposit defined}

- (a) moneys deposited with a member institution in respect of which such institution is liable to the depositors;
- (b) moneys received under section 82 of *The Loan and Trust Corporations Act* by a trust company that is a member institution; and
- (c) debentures or like obligations issued by a loan corporation that is a member institution.

24.—(1) Each deposit with a member institution is insured ^{Deposits insured} by the Corporation except,

- (a) a deposit that is not payable in Canada or in Canadian currency;
- (b) so much of any one deposit, including interest thereon, as exceeds \$20,000; and
- (c) so much of a deposit as is insured under the *Canada Deposit Insurance Corporation Act*. ^{1966-67 (Can.), c. ...}

Payment

(2) Where the Corporation is obliged to make payment in respect of any deposit insured by the Corporation, the Corporation as soon as possible after the obligation arises shall, in respect of such deposit, make payment to such person as appears entitled thereto by the records of the member institution with which the deposit was made,

(a) by making available to such person a transferred deposit with another member institution for so much of his deposit as is insured by the Corporation; or

(b) by paying such person a sum equal to so much of his deposit as is insured by the Corporation.

Effect of payment

(3) Payment under this section by the Corporation in respect of any deposit insured by the Corporation discharges the Corporation from all liability in respect of that deposit, and in no case is the Corporation under any obligation to see to the proper application in any way of the payment so made.

Subrogation

(4) Where the Corporation makes a payment under this section in respect of any deposit with a member institution, the Corporation is subrogated for so much of that deposit as is insured by the Corporation to all the rights and interest of the depositor as against that member institution.

Commencement of insurance, existing member institutions

25.—(1) Except as provided in section 24, the deposits with a member institution that is carrying on business on the day on which this Act comes into force are insured by the Corporation from and after that date in accordance with this Act.

Idem, future member institutions

(2) Except as provided in section 24, when a member institution commences business after the coming into force of this Act, the deposits with such member institution are insured by the Corporation in accordance with this Act on and after the day on which such member institution commences business.

Premiums are debts

26. A premium assessed by the Corporation against a member institution for the purposes of this Act constitutes a debt owing to Her Majesty in right of Ontario, and the amount thereof together with any interest levied by the Corporation as an overdue charge is recoverable by the Corporation by action in any court of competent jurisdiction.

Disposition of premiums

27. All premiums received by the Corporation shall be credited to a Deposit Insurance Fund to be maintained by the Corporation.

28.—(1) The Corporation shall each year assess and collect from each member institution an annual premium equal to the greater of, Assessment and collection of premiums

(a) \$500; or

(b) one-thirtieth of 1 per cent of the total amount of such deposits as are deposited with the member institution on the date as of which the return mentioned in subsection 2 is filed with the Corporation and as are insured by the Corporation.

(2) Each member institution shall file with the Corporation annually a return to be certified by the member institution and submitted in such form as of such date and at such time as the Corporation may require. Annual return

(3) One-half of the premium payable by a member institution shall be paid to the Corporation on or before the 30th day of June in the year in which the annual return is to be filed, and the balance shall be paid to the Corporation, without interest, on or before the 31st day of December in that year. Payable in instalments

(4) Notwithstanding anything in this section, the Corporation may charge interest not in excess of 10 per cent per annum on the amount of any premium or any part thereof not paid on or before the due date thereof. Interest

29.—(1) The Corporation shall maintain an account to be known as the Accumulated Net Earnings to which shall be credited all earnings including realized profits on the sale of securities and to which shall be charged all operating expenses, losses and specific provisions for losses in respect of insurance and losses on sales of securities. Accumulated Net Earnings

(2) The Accumulated Net Earnings shall be reported as a separate item in any statement of assets and liabilities of the Corporation and shown as an addition to or a deduction from the Deposit Insurance Fund. Separate item in report

30. The Registrar shall, on behalf of the Corporation, examine the affairs of each member institution at such times as the Corporation may require but no less frequently than once in each year. Inspection of books

31.—(1) After each examination of the affairs of a member institution, the Registrar shall report to the Corporation whether or not, in his opinion, there has been any change in the circumstances of the member institution that might materially affect the position of the Corporation as an insurer and particularly, without limiting the generality of the foregoing, whether or not, in his opinion, Contents of examiner's report

- (a) the returns made by the member institution and on which payment of its premiums were based are correct;
- (b) the operations of the member institution are being conducted in accordance with sound business and financial practices; and
- (c) the member institution is in a satisfactory financial condition.

Idem

R.S.O. 1960,
c. 222

(2) Each such report shall further state whether or not, in the opinion of the Registrar, there has been any breach of the provisions of *The Loan and Trust Corporations Act* and in particular, without limiting the generality of the foregoing, whether or not, in his opinion, there has been any breach of the provisions of *The Loan and Trust Corporations Act* with respect to,

- (a) borrowing powers;
- (b) reserves required on deposit under sections 74 and 84 of that Act; and
- (c) investments authorized by that Act.

Reporting
of defects
and
breaches

32.—(1) Where in the opinion of the Corporation, whether such opinion is based upon consideration of a report from the Registrar or upon any other report or information, a member institution,

- (a) is or may be following unsound business or financial practices; or
- (b) is or may be in breach of any provision of this Act; or
- (c) is or may be in breach of any provision of *The Loan and Trust Corporations Act*; or
- (d) is not or may not be in a satisfactory financial condition,

the Corporation shall, in writing and by registered mail, report the same to the president or chairman of the board of directors of the member institution and he shall cause such report to be presented to a meeting of the directors of the member institution within a period of thirty days after its date of receipt and such report shall be incorporated in the minutes of that meeting of directors.

Copy to
Minister

(2) The Corporation shall deliver a copy of each such report to the Minister.

33.—(1) Where the Registrar has reported to the Cor-^{Rehabilita-}poration that, in his opinion, the affairs of a member institution ^{tion} are not in a satisfactory financial condition and the Cor-^{proceedings}poration has reported that, in its opinion, the affairs of the member institution are not in a satisfactory financial condition and where the Minister, after a reasonable time has been given to the member institution to be heard by him and upon such further inquiry and investigation as he sees fit to make, reports to the Lieutenant Governor in Council that he agrees with the opinions of the Registrar and of the Corporation, the Lieutenant Governor in Council may, if he also agrees with the opinions, order the Corporation forthwith to take possession of the property of the member institution and to conduct the business thereof and to take such steps as in its opinion may be taken toward the removal of the causes and conditions which have made such proceedings necessary.

(2) The Corporation shall thereupon take possession of the ^{Idem} property of such member institution and conduct its business and take such steps as in the Corporation's opinion may be taken toward the removal of the causes and conditions which have made such proceedings necessary, and for such purposes and without limiting the generality of the foregoing,

- (a) the Corporation shall have all the powers of the board of directors of the member institution;
- (b) the Corporation shall have power to exclude the member institution and its servants and agents from the property and business of the member institution; and
- (c) the Corporation shall have power to carry on, manage and conduct the operations of the member institution and in the name of the member institution to preserve, maintain, realize, dispose of and add to the property of the member institution, to receive the incomes and revenues of the member institution and to exercise all the powers of the member institution.

(3) Upon the request of a member institution and with the ^{Idem.} approval of the Lieutenant Governor in Council, the Cor-^{upon}poration may with respect to such member institution exercise ^{request} the powers mentioned in subsection 2.

34. If at any time the Corporation considers that further ^{Where} efforts to place the affairs of a member institution in a satis-^{efforts}factory financial condition would be futile or that the affairs ^{futile} of the member institution have been placed in a satisfactory financial condition, the Corporation may return possession of

the property of the member institution to it, and upon such return the powers of the Corporation under subsection 2 of section 33 as a result of the order of the Lieutenant Governor in Council under which the Corporation took possession of the property of the member institution shall terminate.

Appeal

35.—(1) A member institution may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under subsection 1 of section 33 within thirty days after the making of such order and the delivery of a copy thereof to an officer of the member institution and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, except that the Rules Committee may vary and amend such practice and procedure in respect of appeals taken under this section.

Record

(2) The Minister shall certify to the Registrar of the Supreme Court,

- (a) the reports of the Registrar and of the Corporation that have been reviewed by the Minister and by the Lieutenant Governor in Council;
- (b) the record of the reviews; and
- (c) all written submissions to the Registrar and to the Lieutenant Governor in Council and other material that in the opinion of the Minister are relevant to the appeal.

Counsel

(3) The Minister of Justice and Attorney General may designate counsel to assist the judge upon the hearing of any appeal taken under this section.

Order

(4) Where an appeal is taken under this section, the judge may by his order direct the Corporation to take such action as the judge deems proper and thereupon the Corporation shall act accordingly.

Further
decision

(5) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section.

PART IV

OFFENCES

36.—(1) Every person, other than a member institution, ^{Holding out} who, by any written or oral representation of any kind, advertises or holds out any company or corporation as being insured or approved for insurance by the Corporation is guilty of an offence.

(2) Every member institution that makes any written or ^{Advertising} oral representation that it is insured by the Corporation otherwise than by such marks, signs, advertisements or other devices as are authorized by the by-laws of the Corporation and used in the manner and on the occasions prescribed by the by-laws is guilty of an offence.

(3) Every director, officer or employee of a member institution and every auditor thereof who knowingly prepares, signs, ^{False returns, etc.} approves or concurs in any account, statement, return, report or document respecting the affairs of the member institution required by the Registrar, by the Minister or by the Corporation for the purposes of this Act and containing any false or deceptive information or any return that does not present fairly information required by the Registrar, the Minister or the Corporation for the purposes of this Act is guilty of an offence.

(4) Every person who, being a president or chairman of the ^{Failure to present report, etc.} board of directors of a member institution, fails or neglects to present to a meeting of the directors of the member institution, as required by section 32, a report of the Corporation made under that section is guilty of an offence, and, if the directors of the member institution fail or neglect to incorporate such report in the minutes of a meeting of the directors as required by section 32, each director present at such meeting is guilty of an offence.

(5) Every person, other than a corporation or company, ^{Penalties, individuals} guilty of an offence under this section is on summary conviction liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

(6) Every corporation or company guilty of an offence ^{Idem, corporations} under this section is on summary conviction liable to a fine of not more than \$25,000.

PART V

MISCELLANEOUS

Commence-
ment

37. This Act comes into force on the day it receives Royal Assent.

Short title

38. This Act may be cited as *The Ontario Deposit Insurance Corporation Act, 1967*.

An Act to establish the
Ontario Deposit Insurance Corporation

1st Reading

February 8th, 1967

2nd Reading

February 9th, 1967

3rd Reading

February 9th, 1967

MR. ROWNTREE

*(Amended by the Committee of the
Whole House and Reported)*

BILL 25

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Commuter Services Act, 1965

MR. GOMME

EXPLANATORY NOTE

The new section authorizes the Lieutenant Governor in Council to make regulations respecting the use of land acquired for the purposes of the Act and prescribing fares for the use of any service.

BILL 25

1967

**An Act to amend
The Commuter Services Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Commuter Services Act, 1965* is amended by adding ^{1965, c. 17, amended} thereto the following section:

4a.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prohibiting or regulating the use of any land or any interest in land acquired under subsection 1 of section 4 and prohibiting or regulating vehicular traffic and pedestrian traffic on any such land or interest in land;
- (b) requiring and providing for the issue of permits and licences and providing for the granting of rights in respect of the use of any such land or interest in land, and providing for the revocation of any such permit, licence or right;
- (c) prescribing the fees or rentals payable for any permit, licence or right issued or granted in respect of any such land or interest in land;
- (d) prescribing fares that shall be charged and collected for any service;
- (e) imposing fines of not more than \$100, exclusive of costs, upon every person who contravenes any provision of a regulation made under this section;
- (f) providing a procedure for the voluntary payment of fines out of court in cases where it is alleged that the parking provisions of a regu-

lation made under this section have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 applies.

R.S.O. 1960,
c. 387

- (2) Every person who contravenes any provision of a regulation made under subsection 1 is guilty of an offence, and the fines imposed by a regulation made under subsection 1 are recoverable under *The Summary Convictions Act* and are payable to the Treasurer of Ontario.

Motor
vehicle
owner and
driver
liable to
penalties

- (3) The owner of a motor vehicle shall incur the fines imposed for any contravention of a regulation made under subsection 1 prohibiting or regulating the parking of motor vehicles unless at the time of the contravention the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of the motor vehicle not being the owner shall also incur the fines imposed for any such contravention.

Appoint-
ment of
officers
to carry out
regulations

- (4) The Minister may appoint one or more Crown employees as an officer or officers for the purpose of carrying out all or any of the provisions of the regulations made under subsection 1, and any person so appointed is a constable for such purpose and for the purposes of sections 14 and 17 of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Certificate
of appoint-
ment

- (5) A person appointed under subsection 4 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 4 and shall produce such certificate upon request.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Commuter Services Amendment Act, 1967*.



An Act to amend
The Commuter Services Act, 1965

1st Reading

February 8th, 1967

2nd Reading

3rd Reading

MR. GOMME

BILL 25

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Commuter Services Act, 1965

MR. GOMME



BILL 25

1967

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1. *The Commuter Services Act, 1965* is amended by adding ^{1965, c. 17, amended} thereto the following section:

4a.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prohibiting or regulating the use of any land or any interest in land acquired under subsection 1 of section 4 and prohibiting or regulating vehicular traffic and pedestrian traffic on any such land or interest in land;
- (b) requiring and providing for the issue of permits and licences and providing for the granting of rights in respect of the use of any such land or interest in land, and providing for the revocation of any such permit, licence or right;
- (c) prescribing the fees or rentals payable for any permit, licence or right issued or granted in respect of any such land or interest in land;
- (d) prescribing fares that shall be charged and collected for any service;
- (e) imposing fines of not more than \$100, exclusive of costs, upon every person who contravenes any provision of a regulation made under this section;
- (f) providing a procedure for the voluntary payment of fines out of court in cases where it is alleged that the parking provisions of a regu-

lation made under this section have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 applies.

R.S.O. 1960,
c. 387

- (2) Every person who contravenes any provision of a regulation made under subsection 1 is guilty of an offence, and the fines imposed by a regulation made under subsection 1 are recoverable under *The Summary Convictions Act* and are payable to the Treasurer of Ontario.

Motor
vehicle
owner and
driver
liable to
penalties

- (3) The owner of a motor vehicle shall incur the fines imposed for any contravention of a regulation made under subsection 1 prohibiting or regulating the parking of motor vehicles unless at the time of the contravention the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of the motor vehicle not being the owner shall also incur the fines imposed for any such contravention.

Appoint-
ment of
officers
to carry out
regulations

- (4) The Minister may appoint one or more Crown employees as an officer or officers for the purpose of carrying out all or any of the provisions of the regulations made under subsection 1, and any person so appointed is a constable for such purpose and for the purposes of sections 14 and 17 of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Certificate
of appoint-
ment

- (5) A person appointed under subsection 4 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 4 and shall produce such certificate upon request.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Commuter Services Amendment Act, 1967*.



An Act to amend
The Commuter Services Act, 1965

1st Reading

February 8th, 1967

2nd Reading

February 23rd, 1967

3rd Reading

February 27th, 1967

MR. GOMME

BILL 26

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Highway Traffic Act

MR. YOUNG

EXPLANATORY NOTE

Self-explanatory.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

- 51a.—(1) In this section, “manufacturer” means the <sup>“manufac-
turer”
defined</sup> manufacturer of a motor vehicle and includes his agent and any corporation that is affiliated with, controlled by or a subsidiary of the manufacturer as determined under *The Securities Act, 1966*. 1966. c. 142
- (2) Every manufacturer who delivers motor vehicles to a place in Ontario for the purpose of sale to the public in Ontario shall file with the Minister a report of any defect in the design mechanism or equipment of the motor vehicles, or any make or model thereof, that affects the safe operation of such motor vehicles and that comes to the knowledge of the manufacturer. Report
of safety
defects
- (3) Where a manufacturer fails to file the report required by subsection 2, the Minister may make an order prohibiting the sale or offering for sale by the manufacturer in Ontario of the motor vehicles in respect of which the failure to report occurred. Order
prohibiting
sale
- (4) An order of the Minister is subject to appeal to the Court of Appeal, but no stay of the order shall be granted before the appeal is decided. Appeal
of order
- (5) Any person who contravenes subsection 2 or an order made under subsection 3 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$5,000. Penalty

Idem

(6) The contravention of an order made under subsection 3 shall be deemed to be a separate offence in respect of each motor vehicle sold or offered for sale in contravention of the order.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1967*.



An Act to amend The Highway Traffic Act

1st Reading

February 13th, 1967

2nd Reading

3rd Reading

MR. YOUNG

BILL 27

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Forestry Act

MR. BRUNELLE

EXPLANATORY NOTE

The purpose of this Bill is to redefine "forestry purposes" in order to permit a broader application of the multiple-use concept of forest management.

BILL 27

1967

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forestry Act* is amended by relettering R.S.O. 1960, c. 153, s. 1, amended clause *a* as clause *aa* and by adding thereto the following clause:

- (a) "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies.

2. Subsection 1 of section 2 of *The Forestry Act* is repealed.

R.S.O. 1960, c. 153, s. 2, subs. 1, repealed

3. This Act comes into force on the day it receives Royal Assent.

Commencement

4. This Act may be cited as *The Forestry Amendment Act*, Short title 1967.

An Act to amend The Forestry Act

1st Reading

February 13th, 1967

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 27

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Forestry Act

MR. BRUNELLE



BILL 27

1967

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forestry Act* is amended by relettering R.S.O. 1960, c. 153, s. 1, clause *a* as clause *aa* and by adding thereto the following amended clause:

- (a) "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies.

2. Subsection 1 of section 2 of *The Forestry Act* is repealed. R.S.O. 1960, c. 153, s. 2, subs. 1, repealed

3. This Act comes into force on the day it receives Royal Commence- Assent. ment

4. This Act may be cited as *The Forestry Amendment Act*, Short title 1967.

An Act to amend The Forestry Act

1st Reading

February 13th, 1967

2nd Reading

February 27th, 1967

3rd Reading

March 22nd, 1967

MR. BRUNELLE

BILL 28

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Surveys Act

MR. BRUNELLE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment authorizes regulations with respect to co-ordinate systems of surveys.

BILL 28

1967

An Act to amend The Surveys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 60 of *The Surveys Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 390, s. 60,
amended

(aa) establishing, governing and regulating systems of co-ordinate surveys.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Surveys Amendment Act*, Short title
1967.

An Act to amend The Surveys Act

1st Reading

February 13th, 1967

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 28

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Surveys Act

MR. BRUNELLE



BILL 28

1967

An Act to amend The Surveys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 60 of *The Surveys Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 390, s. 60,
amended

(aa) establishing, governing and regulating systems of co-ordinate surveys.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Surveys Amendment Act*, Short title
1967.

1st Reading

February 13th, 1967

2nd Reading

February 27th, 1967

3rd Reading

March 22nd, 1967

MR. BRUNELLE

BILL 29

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Trees Act

MR. BRUNELLE

EXPLANATORY NOTE

The purpose of this Bill is to redefine "forestry purposes" in order to permit a broader application of the multiple-use concept of forest management.

BILL 29

1967

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 406, s. 1,
re-enacted

1. In this Act, "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies. Interpre-
tation

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Trees Amendment Act*, Short title
1967.

An Act to amend The Trees Act

1st Reading

February 13th, 1967

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 29

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Trees Act

MR. BRUNELLE

BILL 29

1967

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 406, s. 1,
re-enacted

1. In this Act, "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies. Interpre-
tation

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Trees Amendment Act*, Short title
1967.

An Act to amend The Trees Act

1st Reading

February 13th, 1967

2nd Reading

February 27th, 1967

3rd Reading

March 22nd, 1967

MR. BRUNELLE

BILL 30

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Securities Act, 1966

MR. SOPHA

EXPLANATORY NOTE

Self-explanatory.

BILL 30

1967

An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Securities Act, 1966* is amended by adding thereto ^{1966, c. 142, amended} the following section:

4a.—(1) No member or officer of the Commission shall ^{Members and officers} own or have any pecuniary interest in any securities, ^{not to} the trading in which requires registration under ^{deal in} Part II. ^{certain securities}

(2) Every person who contravenes subsection 1 is guilty ^{Penalty} of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

2. This Act may be cited as *The Securities Amendment Act*, ^{Short title} 1967.

An Act to amend
The Securities Act, 1966

1st Reading

February 14th, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 31

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Income Tax Act, 1961-62

MR. MACNAUGHTON

EXPLANATORY NOTES

SECTION 1. The reference to the 1962 to 1967 taxation years is deleted, thus extending the period of application of the Act beyond the 1967 taxation year. The section is set out in full for convenience of reference.

SECTION 2. Under the present clause, the tax payable by individuals for the 1967 taxation year is 28 percentage points of the tax payable under the Federal Act for that taxation year. The clause as re-enacted extends the principle to the 1968 taxation year.

BILL 31

1967

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Income Tax Act, 1961-62*, as re-enacted by section 2 of *The Income Tax Amendment Act, 1961-62* and amended by section 1 of *The Income Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

2.—(1) An income tax shall be paid as hereinafter required for each taxation year by every individual, other than an individual to whom subsection 2 applies,

(a) who was resident in Ontario on the last day of the taxation year; or

(b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

(2) An income tax shall be paid as hereinafter required for each taxation year by every individual who, during the taxation year, was a member of the Canadian Forces to whom section 4 applies.

(3) This section is applicable to the 1962 and subsequent taxation years.

2. Clause *f* of subsection 3 of section 3 of *The Income Tax Act, 1961-62*, as enacted by subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

(f) 28 per cent in respect of the 1967 and 1968 taxation years.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Income Tax Amendment Act, 1967*.

An Act to amend
The Income Tax Act, 1961-62

1st Reading

February 15th, 1967

2nd Reading

3rd Reading

MR. MACNEIGHTON

BILL 31

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Income Tax Act, 1961-62

MR. MACNAUGHTON

BILL 31

1967

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Income Tax Act, 1961-62*, as re-enacted ^{1961-62, c. 60, s. 2} by section 2 of *The Income Tax Amendment Act, 1961-62* ^(1961-62, c. 61, s. 2), and amended by section 1 of *The Income Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

2.—(1) An income tax shall be paid as hereinafter ^{Income tax on individuals} required for each taxation year by every individual, other than an individual to whom subsection 2 applies,

(a) who was resident in Ontario on the last day of the taxation year; or

(b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

(2) An income tax shall be paid as hereinafter required ^{Income tax on members of the Canadian Forces} for each taxation year by every individual who, during the taxation year, was a member of the Canadian Forces to whom section 4 applies.

(3) This section is applicable to the 1962 and subsequent ^{Application of s. 2} taxation years.

2. Clause *f* of subsection 3 of section 3 of *The Income Tax Act, 1961-62*, as enacted by subsection 1 of section 2 of ^{1961-62, c. 60, s. 3, cl. f} *The Income Tax Amendment Act, 1966*, is repealed and the ^{(1966, c. 69, s. 2, subs. 1), re-enacted} following substituted therefor:

(f) 28 per cent in respect of the 1967 and 1968 taxation years.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Income Tax Amendment Act, 1967*.

An Act to amend
The Income Tax Act, 1961-62

1st Reading

February 15th, 1967

2nd Reading

February 23rd, 1967

3rd Reading

February 27th, 1967

MR. MACNAUGHTON

BILL 32

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Corporations Tax Act

MR. MACNAUGHTON

EXPLANATORY NOTES

GENERAL—The general purpose of this Bill is to make adjustments in the Act to bring it into closer relationship with the corresponding provisions of the *Income Tax Act* (Canada) as that Act affects corporations, particularly with respect to certain amendments made to that Act since the 1966 session of the Legislature.

SECTION 1. Subsection 10 is re-enacted to bring it into agreement with section 400 of the regulations made under the *Income Tax Act* (Canada).

The new subsection 11 is intended to make clear that the head office of a corporation is its "permanent establishment".

SECTION 2. Subsection 1 of section 4 is re-enacted in order to increase the corporation income tax rate from 11 per cent to 12 per cent for the fiscal years of corporations ending in 1967. The Federal Government has introduced legislation for a corresponding increase of 1 per cent in the rate of the provincial tax abatement to corporations under section 40 of the *Income Tax Act* (Canada).

Subsection 2, as re-enacted, provides for a corresponding increase of 1 per cent in the Ontario abatement with respect to portions of taxable income deemed to have been earned outside Ontario.

The amendment to subsection 35 of section 4 of the Act is consequential on the increase of 1 per cent in the rate of provincial tax abatement by the Federal Government.

BILL 32

1967

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 of section 2 of *The Corporations Tax Act*, as re-enacted by subsection 2 of section 2 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 2,
subs. 10
(1961-62,
c. 23, s. 2,
subs. 2),
re-enacted

(10) Where a corporation has no fixed place of business, it has a permanent establishment in the principal place in which the corporation's business is conducted. Idem

(11) A corporation has a permanent establishment in the place designated in its charter or by-laws as being its head office. Idem

2.—(1) Subsections 1 and 2 of section 4 of *The Corporations Tax Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 4,
subs. 1, 2,
re-enacted

(1) Except as otherwise provided in this Act, every corporation that has a permanent establishment in Ontario shall, for every fiscal year of the corporation, pay a tax of 12 per cent calculated on its taxable income. Income tax

(2) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to 12 per cent of that portion of its taxable income that is earned in the fiscal year in each jurisdiction other than Ontario. Deductions from tax on income—allocation of taxable income

(2) Clause *a* of subsection 35 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1962-63*, is amended by striking out "9" in the first line and inserting in lieu thereof "10".

R.S.O. 1960,
c. 73, s. 4,
subs. 35
(1962-63,
c. 26, s. 1,
subs. 1),
cl. *a*,
amended

R.S.O. 1960,
c. 73, s. 31,
subs. 4,
cl. c,
amended

3. Clause c of subsection 4 of section 31 of *The Corporations Tax Act* is amended by striking out "and" at the end of subclause iii, by adding "and" at the end of subclause iv, and by adding thereto the following subclause:

- (v) an amount by which the liability of a corporation to a mortgagee is reduced as a result of foreclosure of its interest in property that is mortgaged or as a result of the sale of that property under a provision of the mortgage, plus any amount received by the corporation out of the proceeds of such sale.

R.S.O. 1960,
c. 73, s. 39,
subs. 1,
par. 1,
re-enacted

4.—(1) Paragraph 1 of subsection 1 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

charitable
donations

1. The aggregate of gifts made by the corporation in the fiscal year (and in the immediately preceding fiscal year, to the extent of the amount thereof that was not deductible under this Part in computing the taxable income of the corporation for that immediately preceding fiscal year) to,

- (i) registered Canadian charitable organizations,

- (ii) housing corporations resident in Canada and exempt from tax under Part I of the *Income Tax Act* (Canada) by paragraph ga of subsection 1 of section 62 thereof,

- (iii) Her Majesty in right of any province of Canada other than Ontario and any Canadian municipality,

- (iv) the United Nations or agencies thereof,

- (v) universities outside Canada prescribed to be universities, the student body of which ordinarily includes students from Canada, and

- (vi) charitable organizations outside Canada to which Her Majesty in right of Canada has made a gift during the fiscal year of the corporation or the 12 months immediately preceding that fiscal year,

not exceeding 10 per cent of the income of the corporation for the fiscal year, if payment of the amounts given is proven by filing receipts or photostatic reproductions thereof with the Treasurer that,

R.S.C. 1952,
c. 148

SECTION 3. This amendment adds to the definition of "proceeds of disposition" a clause to remove any question as to the amount of such proceeds where a corporation is foreclosed or property is sold under the provisions of a mortgage. A similar amendment has been made to section 20 of the *Income Tax Act* (Canada).

SECTION 4. The amendments revise and extend the provisions of section 39 of the Act dealing with charitable donations and correspond with amendments to section 27 of the *Income Tax Act* (Canada). A deduction for a gift made to a charitable organization in Canada may be made in computing taxable income of a corporation only if the donee is a registered Canadian charitable organization.

SECTION 5. The amendment provides that, where the principal business of a corporation during a fiscal year was trading or dealing in bonds, shares or debentures, it will not qualify as a non-resident-owned investment corporation. A similar amendment has been made to section 70 of the *Income Tax Act* (Canada).

in the case of donations to registered Canadian charitable organizations, contain prescribed information.

(2) The said section 39 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 73, s. 39,
amended

- (6) In respect of a year after 1966, "registered Canadian charitable organization" means, Registered
Canadian
charitable
organiza-
tions
- (a) a charitable organization in Canada exempt from tax under Part I of the *Income Tax Act* (Canada) by paragraph *e* of subsection 1 of section 62 thereof or a corporation or trust resident in Canada exempt from tax under that Part by paragraph *f* or *g* of that subsection; or R.S.C. 1952,
c. 148
- (b) a branch, section, parish, congregation or other division of an organization described in clause *a* that receives donations on its own behalf,

that has been registered by the Treasurer for the purposes of this section in respect of the year and whose registration has not been revoked for such year.

- (7) The Treasurer shall be deemed to have registered as a Canadian charitable organization in respect of the year under this section every charitable organization, corporation or trust that is registered by the Minister of National Revenue for Canada as a Canadian charitable organization in respect of the same year under subsection 3*b* of section 27 of the *Income Tax Act* (Canada). Registration
of Canadian
charitable
organiza-
tions
- (8) The Treasurer shall be deemed to have revoked the registration of a charitable organization, corporation or trust as a registered Canadian charitable organization when the Minister of National Revenue for Canada revokes it under subsection 3*c* of section 27 of the *Income Tax Act* (Canada). Revocation
of regis-
tration

5. Subparagraph ii of paragraph 4 of subsection 2 of section 45 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 45,
subs. 2,
par. 4,
subpar. ii,
re-enacted

- (ii) trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or any interest therein.

R.S.O. 1960,
c. 73, s. 46a
(1965, c. 22,
s. 11),
subs. 2,
cl. e,
re-enacted

6. Clause *e* of subsection 2 of section 46a of *The Corporations Tax Act*, as enacted by section 11 of *The Corporations Tax Amendment Act, 1965*, is repealed and the following substituted therefor:

- (e) "new manufacturing or processing business" means a manufacturing or processing business that commenced manufacturing or processing in reasonable commercial quantities after the 4th day of December, 1963, and before the 1st day of April, 1967, or, where the Treasurer is satisfied,
- (i) that the facilities to be used in the business were in the process of being constructed, installed or assembled on the site of the proposed business premises on the 29th day of March, 1966, and
- (ii) that the business was unable to commence manufacturing or processing in reasonable commercial quantities before the 1st day of April, 1967, by reason of an event beyond the control of the corporation,

before the 1st day of April, 1968.

R.S.O. 1960,
c. 73, s. 56,
subs. 5,
cl. a,
re-enacted

7. Clause *a* of subsection 5 of section 56 of *The Corporations Tax Act* is repealed and the following substituted therefor:

- (a) "mine" does not include an oil well, gas well, brine well, sand pit, gravel pit, clay pit, shale pit or stone quarry (other than a deposit of oil shale or bituminous sand), but does include a well for the extraction of material from a sylvite deposit and all such wells, the material produced from which is sent to a single plant for processing, shall be deemed to be one mine; and

Interpre-
tation

R.S.O. 1960,
c. 73, s. 59,
subs. 3,
amended

8.—(1) Subsection 3 of section 59 of *The Corporations Tax Act* is amended by striking out "Board of Transport Commissioners for Canada" in the seventh line and inserting in lieu thereof "Canadian Transport Commission".

SECTION 6. The amendment, in the circumstances set out therein, extends the time within which a manufacturing or processing business may commence production in reasonable commercial quantities in a designated area and still qualify for the 36-month exemption from tax on income under subsection 1 of section 46a. A similar amendment has been made in the *Income Tax Act* (Canada).

SECTION 7. The amendment extends the definition of a mine for the purposes of the exemption from tax on the income derived from the operation of a mine during the 36-month period, commencing with the day on which the mine came into production. The definition will now include a well for the extraction of material from a sylvite deposit. A corresponding amendment has been made to section 83 of the *Income Tax Act* (Canada).

SECTION 8. As a result of the passage of the *National Transportation Act* (Canada) the *Income Tax Act* (Canada) will be amended to substitute the "Canadian Transport Commission" for the "Board of Transport Commissioners for Canada". The *Corporations Tax Act* is brought into line. This section comes into force on proclamation.

SECTION 9. These amendments are intended to clarify the intent.

SECTION 10—Subsection 1. Subsection 4 of section 75 is no longer required with the amendments contained in section 9 of this Bill.

Subsection 2. The rate of penalty interest is changed from one-quarter of 1 per cent per month or part thereof to 3 per cent per annum.

(2) Subsection 4 of the said section 59 is amended by striking out "Board of Transport Commissioners for Canada" in the sixth and seventh lines and in the tenth line and inserting in lieu thereof in each instance "Canadian Transport Commission".

R.S.O. 1960,
c. 73, s. 59,
subs. 4,
amended

9.—(1) Subsection 2 of section 74 of *The Corporations Tax Act*, as amended by section 13 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 74,
subs. 2,
re-enacted

(2) Every corporation on which a tax is imposed by this Act shall pay to the Treasurer,

Dates of
payment

(a) on or before the fifteenth day of each of the fifth, eighth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the second month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one quarter of the tax payable as estimated by it at the rates for the taxation year on,

(i) its estimated taxable income and other subject of tax for the fiscal year, or

(ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and

(b) on or before the last day on which a return is required to be delivered under subsection 1 of section 71, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year.

(2) Subsection 4 of the said section 74 is repealed.

R.S.O. 1960,
c. 73, s. 74,
subs. 4,
repealed

10.—(1) Subsection 4 of section 75 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73, s. 75,
subs. 4,
repealed

(2) Subsection 6 of the said section 75 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 75,
subs. 6,
re-enacted

(6) In addition to the interest payable under subsections 1 and 2, every corporation required by section 74 to pay a part or instalment or the whole of the tax for a fiscal year on or before the day on which a return under subsection 1 of section 71 is required to be

Penalty
interest

delivered for that fiscal year shall pay penalty interest on any part or instalment or the whole of such tax that remains unpaid more than two months after the day such part or instalment or such whole was required to be paid by section 74 at the rate of 3 per cent per annum calculated with respect to each part or instalment or the whole of such tax, as the case may be, from two months following the date on or before which each part or instalment or the whole of such tax, as the case may be, is required to be paid by section 74 until the date of payment or two months following the date shown on the notice of assessment, whichever is the earlier.

R.S.O. 1960, c. 73, s. 75, amended (3) The said section 75 is amended by adding thereto the following subsection:

Penalty interest on unpaid tax

- (7) In addition to the interest payable under subsections 1 and 2, every corporation on which a tax is imposed by this Act shall pay penalty interest on that unpaid portion of the tax payable for a fiscal year as assessed or re-assessed under this Act at the rate of 3 per cent per annum commencing two months after the date of mailing of the notice of assessment or re-assessment issued in respect of the tax payable for the fiscal year to the date of payment of the unpaid portion of the tax payable notwithstanding any subsequent re-assessment.

R.S.O. 1960, c. 73, s. 76, subs. 2, re-enacted **11.** Subsection 2 of section 76 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Notice of assessment

- (2) After examination of a return, the Treasurer shall send by mail or by registered mail or deliver by personal service a notice of assessment to the corporation that delivered the return.

Application **12.**—(1) Subparagraph ii of paragraph 4 of subsection 2 of section 45 of *The Corporations Tax Act*, as enacted by section 5, applies to fiscal years of corporations ending after the 29th day of March, 1966, but for the purpose of determining whether the principal business of a corporation for the whole of the fiscal year of the corporation that includes the 30th day of March, 1966, was trading or dealing in bonds, shares or debentures or any interest therein, the whole of such fiscal year shall be deemed to be that portion of the fiscal year that is after the 29th day of March, 1966.

Idem

(2) Subsection 4 of section 56 of *The Corporations Tax Act* applies in respect of income from a well or wells for the extraction of material from a sylvite deposit that is or are

Subsection 3. This new subsection will impose penalty interest of 3 per cent per annum on tax that remains unpaid after assessment or re-assessment. This penalty interest will commence two months after the date of mailing of the notice of assessment or re-assessment. This subsection comes into force on the 30th day of June, 1967.

SECTION 11. At present notices of assessment or re-assessment must be mailed to a corporation by registered mail. This amendment will permit the Treasurer to use the ordinary mail or personal service for delivering notices of assessment or re-assessment.

a mine by virtue of clause *a* of subsection 5 of section 56 of the said Act, as re-enacted by section 7, where such income is derived from the operation thereof during such part, if any, of the period of thirty-six months commencing with the day on which the mine came into production as is after the 29th day of March, 1966.

(3) Subsection 1 of section 4 comes into force on the 1st^{Idem} day of January, 1967, and gifts,

- (a) to charitable organizations in Canada exempt from tax under Part I of the *Income Tax Act* (Canada)^{R.S.C. 1952, c. 148} by paragraph *e* of subsection 1 of section 62 thereof; or
- (b) to corporations or trusts resident in Canada and exempt from tax under the said Part by paragraph *f* or *g* of subsection 1 of section 62 thereof,

that were made by a corporation before 1967 and that would have been deductible by it in computing its taxable income for a fiscal year but for subsection 1 of this section, shall be deemed to be gifts made by the corporation to registered Canadian charitable organizations and may be deducted by it in computing its taxable income to the extent provided by paragraph 1 of subsection 1 of section 39 of *The Corporations Tax Act* as enacted by subsection 1 of section 4 of this Act.

(4) Sections 1 and 2 apply in respect of fiscal years of corporations ending in 1967 and in respect of subsequent fiscal years.^{Idem}

13.—(1) This Act, except sections 2, 8 and subsection 3 of section 10, comes into force on the day it receives Royal Assent.^{Commence-ment}

(2) Sections 2 and 8 come into force on a day to be named by the Lieutenant Governor by his proclamation.^{Idem}

(3) Subsection 3 of section 10 comes into force on the 30th^{Idem} day of June, 1967.

14. This Act may be cited as *The Corporations Tax Amendment Act, 1967*.^{Short title}

An Act to amend
The Corporations Tax Act

1st Reading

February 15th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 32

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Corporations Tax Act

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 32

1967

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 of section 2 of *The Corporations Tax Act*, R.S.O. 1960, c. 73, s. 2, as re-enacted by subsection 2 of section 2 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor: subs. 10 (1961-62, c. 23, s. 2, subs. 2), re-enacted

(10) Where a corporation has no fixed place of business, Idem it has a permanent establishment in the principal place in which the corporation's business is conducted.

(11) A corporation has a permanent establishment in the Idem place designated in its charter or by-laws as being its head office.

2.—(1) Subsections 1 and 2 of section 4 of *The Corporations Tax Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 4, subs. 1, 2, re-enacted

(1) Except as otherwise provided in this Act, every Income tax corporation that has a permanent establishment in Ontario shall, for every fiscal year of the corporation, pay a tax of 12 per cent calculated on its taxable income.

(2) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to 12 per cent of that portion of its taxable income that is earned in the fiscal year in each jurisdiction other than Ontario. Deductions from tax on income—allocation of taxable income

(2) Clause *a* of subsection 35 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1962-63*, is amended by striking out R.S.O. 1960, c. 73, s. 4, subs. 35 (1962-63, c. 26, s. 1, subs. 1), cl. a, amended "9" in the first line and inserting in lieu thereof "10".

R.S.O. 1960,
c. 73, s. 31,
subs. 4,
cl. c,
amended

3. Clause c of subsection 4 of section 31 of *The Corporations Tax Act* is amended by striking out "and" at the end of subclause iii, by adding "and" at the end of subclause iv, and by adding thereto the following subclause:

- (v) an amount by which the liability of a corporation to a mortgagee is reduced as a result of foreclosure of its interest in property that is mortgaged or as a result of the sale of that property under a provision of the mortgage, plus any amount received by the corporation out of the proceeds of such sale.

R.S.O. 1960,
c. 73, s. 39,
subs. 1,
par. 1,
re-enacted

4.—(1) Paragraph 1 of subsection 1 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

charitable
donations

1. The aggregate of gifts made by the corporation in the fiscal year (and in the immediately preceding fiscal year, to the extent of the amount thereof that was not deductible under this Part in computing the taxable income of the corporation for that immediately preceding fiscal year) to,

- (i) registered Canadian charitable organizations,

- (ii) housing corporations resident in Canada and exempt from tax under Part I of the *Income Tax Act* (Canada) by paragraph ga of subsection 1 of section 62 thereof,

- (iii) Her Majesty in right of any province of Canada other than Ontario and any Canadian municipality,

- (iv) the United Nations or agencies thereof,

- (v) universities outside Canada prescribed to be universities, the student body of which ordinarily includes students from Canada, and

- (vi) charitable organizations outside Canada to which Her Majesty in right of Canada has made a gift during the fiscal year of the corporation or the 12 months immediately preceding that fiscal year,

not exceeding 10 per cent of the income of the corporation for the fiscal year, if payment of the amounts given is proven by filing receipts or photostatic reproductions thereof with the Treasurer that,

R.S.C. 1952,
c. 148

in the case of donations to registered Canadian charitable organizations, contain prescribed information.

(2) The said section 39 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 73, s. 39,
amended

(6) In respect of a year after 1966, "registered Canadian charitable organization" means, Registered
Canadian
charitable
organiza-
tions

(a) a charitable organization in Canada exempt from tax under Part I of the *Income Tax Act* (Canada) by paragraph *e* of subsection 1 of section 62 thereof or a corporation or trust resident in Canada exempt from tax under that Part by paragraph *f* or *g* of that subsection; or R.S.C. 1952,
c. 148

(b) a branch, section, parish, congregation or other division of an organization described in clause *a* that receives donations on its own behalf,

that has been registered by the Treasurer for the purposes of this section in respect of the year and whose registration has not been revoked for such year.

(7) The Treasurer shall be deemed to have registered as a Canadian charitable organization in respect of the year under this section every charitable organization, corporation or trust that is registered by the Minister of National Revenue for Canada as a Canadian charitable organization in respect of the same year under subsection 3*b* of section 27 of the *Income Tax Act* (Canada). Registration
of Canadian
charitable
organiza-
tions

(8) The Treasurer shall be deemed to have revoked the registration of a charitable organization, corporation or trust as a registered Canadian charitable organization when the Minister of National Revenue for Canada revokes it under subsection 3*c* of section 27 of the *Income Tax Act* (Canada). Revocation
of regis-
tration

5. Subparagraph ii of paragraph 4 of subsection 2 of section 45 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 45,
subs. 2,
par. 4,
subpar. ii,
re-enacted

- (ii) trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or any interest therein.

R.S.O. 1960,
c. 73, s. 46^a
(1965, c. 22,
s. 11),
subs. 2,
cl. e,
re-enacted

6. Clause *c* of subsection 2 of section 46*a* of *The Corporations Tax Act*, as enacted by section 11 of *The Corporations Tax Amendment Act, 1965*, is repealed and the following substituted therefor:

(*e*) “new manufacturing or processing business” means a manufacturing or processing business that commenced manufacturing or processing in reasonable commercial quantities after the 4th day of December, 1963, and before the 1st day of April, 1967, or, where the Treasurer is satisfied,

(i) that the facilities to be used in the business were in the process of being constructed, installed or assembled on the site of the proposed business premises on the 29th day of March, 1966, and

(ii) that the business was unable to commence manufacturing or processing in reasonable commercial quantities before the 1st day of April, 1967, by reason of an event beyond the control of the corporation,

before the 1st day of April, 1968.

R.S.O. 1960,
c. 73, s. 56,
subs. 5,
cl. a,
re-enacted

7. Clause *a* of subsection 5 of section 56 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Interpre-
tation

(*a*) “mine” does not include an oil well, gas well, brine well, sand pit, gravel pit, clay pit, shale pit or stone quarry (other than a deposit of oil shale or bituminous sand), but does include a well for the extraction of material from a sylvite deposit and all such wells, the material produced from which is sent to a single plant for processing, shall be deemed to be one mine; and

R.S.O. 1960,
c. 73, s. 59,
subs. 3,
amended

8.—(1) Subsection 3 of section 59 of *The Corporations Tax Act* is amended by striking out “Board of Transport Commissioners for Canada” in the seventh line and inserting in lieu thereof “Canadian Transport Commission”.

(2) Subsection 4 of the said section 59 is amended by striking out "Board of Transport Commissioners for Canada" in the sixth and seventh lines and in the tenth line and inserting in lieu thereof in each instance "Canadian Transport Commission". R.S.O. 1960,
c. 73, s. 59,
subs. 4,
amended

9.—(1) Subsection 2 of section 74 of *The Corporations Tax Act*, as amended by section 13 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 74,
subs. 2,
re-enacted

(2) Every corporation on which a tax is imposed by this Act shall pay to the Treasurer, Dates of
payment

(a) on or before the fifteenth day of each of the fifth, eighth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the second month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one quarter of the tax payable as estimated by it at the rates for the taxation year on,

(i) its estimated taxable income and other subject of tax for the fiscal year, or

(ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and

(b) on or before the last day on which a return is required to be delivered under subsection 1 of section 71, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year.

(2) Subsection 4 of the said section 74 is repealed.

R.S.O. 1960,
c. 73, s. 74,
subs. 4,
repealed

10.—(1) Subsection 4 of section 75 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73, s. 75,
subs. 4,
repealed

(2) Subsection 6 of the said section 75 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 75,
subs. 6,
re-enacted

(6) In addition to the interest payable under subsections 1 and 2, every corporation required by section 74 to pay a part or instalment or the whole of the tax for a fiscal year on or before the day on which a return under subsection 1 of section 71 is required to be Penalty
interest

delivered for that fiscal year shall pay penalty interest on any part or instalment or the whole of such tax that remains unpaid more than two months after the day such part or instalment or such whole was required to be paid by section 74 at the rate of 3 per cent per annum calculated with respect to each part or instalment or the whole of such tax, as the case may be, from two months following the date on or before which each part or instalment or the whole of such tax, as the case may be, is required to be paid by section 74 until the date of payment or two months following the date shown on the notice of assessment, whichever is the earlier.

R.S.O. 1960, c. 73, s. 75, amended (3) The said section 75 is amended by adding thereto the following subsection:

Penalty
interest
on unpaid
tax

- (7) In addition to the interest payable under subsections 1 and 2, every corporation on which a tax is imposed by this Act shall pay penalty interest on that unpaid portion of the tax payable for a fiscal year as assessed or re-assessed under this Act at the rate of 3 per cent per annum commencing two months after the date of mailing of the notice of assessment or re-assessment issued in respect of the tax payable for the fiscal year to the date of payment of the unpaid portion of the tax payable notwithstanding any subsequent re-assessment.

R.S.O. 1960, c. 73, s. 76, subs. 2, re-enacted **11.** Subsection 2 of section 76 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Notice of
assessment

- (2) After examination of a return, the Treasurer shall send by mail or by registered mail or deliver by personal service a notice of assessment to the corporation that delivered the return.

Application **12.** (1) Subparagraph ii of paragraph 4 of subsection 2 of section 45 of *The Corporations Tax Act*, as enacted by section 5, applies to fiscal years of corporations ending after the 29th day of March, 1966, but for the purpose of determining whether the principal business of a corporation for the whole of the fiscal year of the corporation that includes the 30th day of March, 1966, was trading or dealing in bonds, shares or debentures or any interest therein, the whole of such fiscal year shall be deemed to be that portion of the fiscal year that is after the 29th day of March, 1966.

Idem

- (2) Subsection 4 of section 56 of *The Corporations Tax Act* applies in respect of income from a well or wells for the extraction of material from a sylvite deposit that is or are

a mine by virtue of clause *a* of subsection 5 of section 56 of the said Act, as re-enacted by section 7, where such income is derived from the operation thereof during such part, if any, of the period of thirty-six months commencing with the day on which the mine came into production as is after the 29th day of March, 1966.

(3) Subsection 1 of section 4 comes into force on the 1st ^{Idem} day of January, 1967, and gifts,

(a) to charitable organizations in Canada exempt from tax under Part I of the *Income Tax Act* (Canada) ^{R.S.C. 1952, c. 148} by paragraph *e* of subsection 1 of section 62 thereof; or

(b) to corporations or trusts resident in Canada and exempt from tax under the said Part by paragraph *f* or *g* of subsection 1 of section 62 thereof,

that were made by a corporation before 1967 and that would have been deductible by it in computing its taxable income for a fiscal year but for subsection 1 of this section, shall be deemed to be gifts made by the corporation to registered Canadian charitable organizations and may be deducted by it in computing its taxable income to the extent provided by paragraph 1 of subsection 1 of section 39 of *The Corporations Tax Act* as enacted by subsection 1 of section 4 of this Act.

(4) Sections 1 and 2 apply in respect of fiscal years of corporations ending in 1967 and in respect of subsequent fiscal years. ^{Idem}

13.—(1) This Act, except sections 2, 8 and subsection 3 ^{Commence-} of section 10, comes into force on the day it receives Royal Assent. ^{ment}

(2) Sections 2 and 8 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.

(3) Subsection 3 of section 10 comes into force on the 30th ^{Idem} day of June, 1967.

14. This Act may be cited as *The Corporations Tax Amendment Act, 1967*. ^{Short title}

An Act to amend
The Corporations Tax Act

1st Reading

February 15th, 1967

2nd Reading

February 23rd, 1967

3rd Reading

February 27th, 1967

MR. MACNAUGHTON

BILL 33

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Cancer Act

MR. DYMOND

EXPLANATORY NOTE

Under the present Act, the membership of the advisory medical board of The Ontario Cancer Institute is limited to members of the advisory medical board of The Ontario Cancer Treatment and Research Foundation.

BILL 33

1967

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Cancer Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 45, s. 19,
re-enacted

19. Subject to the approval of the Lieutenant Governor in Council, the Institute may appoint an advisory medical board consisting of duly qualified medical practitioners, scientists and other persons. Advisory
medical
board

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Cancer Amendment Act*, Short title
1967.

1st Reading

February 15th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 33

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Cancer Act

MR. DYMOND

BILL 33

1967

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Cancer Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 45, s. 19,
re-enacted
19. Subject to the approval of the Lieutenant Governor in Council, the Institute may appoint an advisory medical board consisting of duly qualified medical practitioners, scientists and other persons. Advisory
medical
board
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Cancer Amendment Act*, 1967. Short title

1st Reading

February 15th, 1967

2nd Reading

February 27th, 1967

3rd Reading

March 21st, 1967

MR. DYMOND

BILL 34

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

The Department of Social and Family Services Act, 1967

MR. YAREMKO

EXPLANATORY NOTE

The Bill changes the name of the Department of Public Welfare to the Department of Social and Family Services.

BILL 34

1967

The Department of Social and Family Services Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Social and Family Services;
- (b) "Minister" means the Minister of Social and Family Services.

2.—(1) The Department of public service heretofore known as the Department of Public Welfare is continued under the name "Department of Social and Family Services".

Department
established

(2) The Minister shall preside over and have charge of the Department.

Minister
to have
charge

3.—(1) The Minister is responsible for the administration of this Act and the regulations thereunder and the Acts and regulations made thereunder that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council.

Responsi-
bility of
Minister

(2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting the payment by Canada to Ontario of any portion of any expenditures heretofore or hereafter made by Ontario or by any municipality under any Act for the administration of which the Minister is responsible.

Agreements

4. Subject to *The Public Service Act, 1961-62*, there may be appointed a Deputy Minister of Social and Family Services and such other officers, clerks and servants as the Minister deems necessary for the proper conduct of the business of the Department.

Deputy
Minister
and staff
1961-62,
c. 121

Change of
name and
title in
other
Acts

5. Any mention of or reference to the Minister of Public Welfare or the Department of Public Welfare in any Act or regulation shall be deemed to be a mention of or reference to the Minister of Social and Family Services or the Department of Social and Family Services, respectively.

Duties of
Minister

6. The Minister may,

- (a) institute inquiries into and collect information and statistics relating to or affecting any matter for the provision or promotion of social and family services;
- (b) disseminate from time to time information, in such manner and form as he considers suitable, for the promotion of social and family services;
- (c) secure the observance and execution of all Acts and regulations for the administration of which he is responsible; and
- (d) direct any officer of the Department or any other person to investigate and inquire into and report to him upon any activity, matter, agency, organization, association or institution having for any of its objects or relating to or affecting the social welfare of persons in Ontario and that is not under the jurisdiction of any other department of the public service of Ontario.

Regulations

7. The Lieutenant Governor in Council may make regulations,

- (a) designating any institution or organization having charitable objects or purposes or any class of them to be subject to the control of the Minister;
- (b) authorizing the Minister to operate and manage any institution or organization or class thereof that has been designated to be subject to the control of the Minister under this section;
- (c) governing the operation and activities of any institution or organization or class thereof that has been designated to be subject to the control of the Minister under this section, including regulations governing the procuring of funds from the public and the application thereof by any such institution or organization or class thereof.

8. *The Department of Public Welfare Act, The Department of Public Welfare Amendment Act, 1965 and The Department of Public Welfare Amendment Act, 1966* are repealed. R.S.O. 1960, c. 100; 1965, c. 30; 1966, c. 43, repealed

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The Department of Social and Family Services Act, 1967*. Short title

The Department of Social
and Family Services Act, 1967

1st Reading

February 15th, 1967

2nd Reading

3rd Reading

MR. YAREMKO

BILL 34

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

The Department of Social and Family Services Act, 1967

MR. YAREMKO

BILL 34

1967

The Department of Social and Family Services Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Social and Family Services;
- (b) "Minister" means the Minister of Social and Family Services.

2.—(1) The Department of public service heretofore known as the Department of Public Welfare is continued under the name "Department of Social and Family Services".

Department
established

(2) The Minister shall preside over and have charge of the Department.

Minister
to have
charge

3.—(1) The Minister is responsible for the administration of this Act and the regulations thereunder and the Acts and regulations made thereunder that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council.

Respon-
sibility of
Minister

(2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting the payment by Canada to Ontario of any portion of any expenditures heretofore or hereafter made by Ontario or by any municipality under any Act for the administration of which the Minister is responsible.

Agreements

4. Subject to *The Public Service Act, 1961-62*, there may be appointed a Deputy Minister of Social and Family Services and such other officers, clerks and servants as the Minister deems necessary for the proper conduct of the business of the Department.

Deputy
Minister
and staff
1961-62,
c. 121

Change of
name and
title in
other
Acts

5. Any mention of or reference to the Minister of Public Welfare or the Department of Public Welfare in any Act or regulation shall be deemed to be a mention of or reference to the Minister of Social and Family Services or the Department of Social and Family Services, respectively.

Duties of
Minister

6. The Minister may,

- (a) institute inquiries into and collect information and statistics relating to or affecting any matter for the provision or promotion of social and family services;
- (b) disseminate from time to time information, in such manner and form as he considers suitable, for the promotion of social and family services;
- (c) secure the observance and execution of all Acts and regulations for the administration of which he is responsible; and
- (d) direct any officer of the Department or any other person to investigate and inquire into and report to him upon any activity, matter, agency, organization, association or institution having for any of its objects or relating to or affecting the social welfare of persons in Ontario and that is not under the jurisdiction of any other department of the public service of Ontario.

Regulations

7. The Lieutenant Governor in Council may make regulations,

- (a) designating any institution or organization having charitable objects or purposes or any class of them to be subject to the control of the Minister;
- (b) authorizing the Minister to operate and manage any institution or organization or class thereof that has been designated to be subject to the control of the Minister under this section;
- (c) governing the operation and activities of any institution or organization or class thereof that has been designated to be subject to the control of the Minister under this section, including regulations governing the procuring of funds from the public and the application thereof by any such institution or organization or class thereof.

8. *The Department of Public Welfare Act, The Department of Public Welfare Amendment Act, 1965 and The Department of Public Welfare Amendment Act, 1966* are repealed. R.S.O. 1960, c. 100; 1965, c. 30; 1966, c. 43, repealed

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The Department of Social and Family Services Act, 1967*. Short title

The Department of Social
and Family Services Act, 1967

1st Reading

February 15th, 1967

2nd Reading

March 20th, 1967

3rd Reading

March 22nd, 1967

MR. YAREMKO

BILL 35

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Parks Assistance Act

MR. SIMONETT

EXPLANATORY NOTE

The amendment makes the Act applicable to school boards in territory without municipal organization.

BILL 35

1967

An Act to amend The Parks Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Parks Assistance Act*, as amended by R.S.O. 1960, section 1 of *The Parks Assistance Amendment Act, 1961-62* ^{c. 285, s. 1, amended} and section 1 of *The Parks Assistance Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

(2) An elementary or secondary school board having ^{School boards in} jurisdiction only in territory without municipal ^{territory} organization has the powers of the council of a municipality under this Act, and the provisions of this ^{without} ^{municipal} ^{organization} Act apply *mutatis mutandis* to such a school board.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Parks Assistance Amend-* ^{Short title} *ment Act, 1967.*

An Act to amend The Parks Assistance Act

1st Reading

February 20th, 1967

2nd Reading

3rd Reading

MR. SIMONETT

BILL 35

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Parks Assistance Act

MR. SIMONETT

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BILL 35

1967

An Act to amend The Parks Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Parks Assistance Act*, as amended by R.S.O. 1960, c. 285, s. 1, amended section 1 of *The Parks Assistance Amendment Act, 1961-62* and section 1 of *The Parks Assistance Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

(2) An elementary or secondary school board having jurisdiction only in territory without municipal organization has the powers of the council of a municipality under this Act, and the provisions of this Act apply *mutatis mutandis* to such a school board. School boards in territory without municipal organization

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Parks Assistance Amendment Act, 1967*. Short title

An Act to amend The Parks Assistance Act

1st Reading

February 20th, 1967

2nd Reading

February 23rd, 1967

3rd Reading

February 27th, 1967

MR. SIMONETT

BILL 36

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to repeal The Dower Act

MR. SOPHA

EXPLANATORY NOTE

The purpose of this Bill is to abolish dower in Ontario.

See also Bill 37, *An Act to amend The Married Women's Property Act* which gives a widow the right to continue to live in the family home for one year after her husband's death.

BILL 36

1967

An Act to repeal The Dower Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Dower Act* and *The Dower Amendment Act, 1964* R.S.O. 1960, c. 113; 1964, c. 26, repealed are repealed.
2. This Act comes into force on the day it receives Royal Assent. Commence-ment
3. This Act may be cited as *The Dower Repeal Act, 1967*. Short title

An Act to repeal The Dower Act

1st Reading

February 21st, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 37

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Married Women's Property Act

MR. SOPHA

EXPLANATORY NOTE

The provisions of this Bill are new; they are self-explanatory.

See also Bill 36, *An Act to repeal The Dower Act* which abolishes dower in Ontario.

BILL 37

1967

**An Act to amend
The Married Women's Property Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Married Women's Property Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 229,
amended

14.—(1) A widow, upon the death of her husband, may continue to reside in his principal residence for one year after his death. Right to
reside in
family
residence

(2) The right created by subsection 1 may be exercised free from any claim or process against the widow or the estate of her deceased husband. Idem

(3) The right created by subsection 1 does not apply to a widow who at the time of her husband's death was living apart from him under circumstances disentitling her to alimony. Exception

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Married Women's Property Amendment Act, 1967*. Short title

An Act to amend
The Married Women's Property Act

1st Reading

February 21st, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 38

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Judicature Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The amendment increases the number of judges of the High Court from twenty-four to twenty-six.

SECTIONS 2 and 3. The amendments include the accounts of the Official Guardian and The Accountant of the Supreme Court of Ontario in the Provincial Auditor's report.

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1965*, is further amended by striking out "twenty-four" in the amendment of 1965 and inserting in lieu thereof "twenty-six", so that the subsection shall read as follows:

R.S.O. 1960,
c. 197, s. 5,
subs. 1,
amended

- (1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and twenty-six other judges.

High Court
of Justice

2. Subsection 12 of section 105 of *The Judicature Act*, as amended by section 4 of *The Judicature Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 197, s. 105,
subs. 12,
re-enacted

- (12) The Provincial Auditor shall examine and report upon the accounts and financial transactions of the Official Guardian.

Audit

3. *The Judicature Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 197,
amended

- 110a. The Provincial Auditor shall examine and report upon the accounts and financial transactions of The Accountant of the Supreme Court of Ontario.

Audit

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Judicature Amendment Act, 1967*.

Short title

An Act to amend The Judicature Act

1st Reading

February 22nd, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 38

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Judicature Act

MR. WISHART

BILL 38

1967

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as ^{R.S.O. 1960, c. 197, s. 5,} amended by section 1 of *The Judicature Amendment Act, 1965*, ^{subs. 1, amended} is further amended by striking out "twenty-four" in the amendment of 1965 and inserting in lieu thereof "twenty-six", so that the subsection shall read as follows:

- (1) The High Court shall consist of a chief justice who ^{High Court of Justice} shall be the president thereof and who shall be called the Chief Justice of the High Court, and twenty-six other judges.

2. Subsection 12 of section 105 of *The Judicature Act*, as ^{R.S.O. 1960, c. 197, s. 105,} amended by section 4 of *The Judicature Amendment Act, 1966*, ^{subs. 12, re-enacted} is repealed and the following substituted therefor:

- (12) The Provincial Auditor shall examine and report ^{Audit} upon the accounts and financial transactions of the Official Guardian.

3. *The Judicature Act* is amended by adding thereto the ^{R.S.O. 1960, c. 197, amended} following section:

- 110a. The Provincial Auditor shall examine and report ^{Audit} upon the accounts and financial transactions of The Accountant of the Supreme Court of Ontario.

4. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

5. This Act may be cited as *The Judicature Amendment* ^{Short title} *Act, 1967*.

An Act to amend 'The Judicature Act

1st Reading

February 22nd, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 22nd, 1967

MR. WISHART

BILL 39

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Ontario Human Rights Code, 1961-62

MR. RENWICK

EXPLANATORY NOTE

The Bill prohibits discrimination against children in rented accommodation.

BILL 39

1967

**An Act to amend
The Ontario Human Rights Code, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ontario Human Rights Code, 1961-62*, ^{1961-62, c. 93, s. 3,} as amended by section 2 of *The Ontario Human Rights Code* ^{amended} *Amendment Act, 1965*, is further amended by adding thereto the following subsection:

- (2) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall refuse to rent any self-contained residential accommodation to any person because he will be accompanied in his occupancy by a child or children. ^{Discrimination against children}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1967*. ^{Short title}

An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

February 28th, 1967

2nd Reading

3rd Reading

MR. RENWICK

BILL 40

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Regional Detention Centres Act, 1965

MR. GROSSMAN

EXPLANATORY NOTES

SECTION 1—Subsection 1. The requirement that counties entering into agreements for regional detention centres be adjoining is removed.

Subsection 2. The amendments ensure that cities maintaining jails can enter into agreements for regional detention centres in the same manner as counties.

SECTION 2. The present provision requires the representation on the board to be two members for each county or city participating but three for the largest, all chosen from the councils. The amendment leaves the number of representatives to be determined by agreement, subject to the largest having at least one more than any other, and the members are to be appointed from any source, the appointments being subject to the approval of the Minister.

BILL 40

1967

**An Act to amend
The Regional Detention Centres Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Regional Detention Centres Act, 1965* is amended by striking out “adjoining” in the first line, so that the subsection, exclusive of the clauses, shall read as follows:

- (1) The councils of any two or more counties may enter into an agreement for the joint establishment, maintenance and operation of a regional detention centre, and the agreement may include any matter for such purpose, including, without restricting the generality of the foregoing,

(2) Subsection 2 of the said section 1 is repealed and the following substituted therefor:

- (2) A city that maintains its own jail may enter into an agreement with one or more counties in the same manner as if the city were a county, and shall be deemed to be a county for the purposes of this Act.

2. Subsection 1 of section 2 of *The Regional Detention Centres Act, 1965* is repealed and the following substituted therefor:

- (1) Where an agreement is approved, a regional detention centre board shall be established consisting of representatives of each county entering into the agreement appointed by the council of the county and approved by the Minister of Reform Institutions, in such numbers as may be agreed upon, but

the county having the largest population, as determined by the last revised assessment rolls, shall have at least one more member than any other party to the agreement.

1965,
c. 115,
amended

3. *The Regional Detention Centres Act, 1965* is amended by adding thereto the following section:

Approval
of plans

5a.—(1) Every regional detention centre shall be constructed in accordance with plans approved by the Minister of Reform Institutions.

Construction
grants

(2) Where the plans for the construction of a regional detention centre are approved under subsection 1, the board may be paid out of the moneys appropriated therefor by the Legislature a grant toward the cost of construction in accordance with the regulations.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) providing for the approval of plans under subsection 1;

(b) governing applications for grants and the manner, terms and conditions of the payment of grants;

(c) prescribing the manner of computing the cost of construction for the purposes of subsection 2 and for determining the amounts of the grants;

(d) prescribing forms for the purposes of this section and providing for their use.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Regional Detention Centres Amendment Act, 1967*.

SECTION 3. The purpose of this section is to provide for the payment of construction grants for regional detention centres.

An Act to amend
The Regional Detention Centres Act, 1965

1st Reading

March 1st, 1967

2nd Reading

3rd Reading

MR. GROSSMAN

BILL 40

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Regional Detention Centres Act, 1965

MR. GROSSMAN

BILL 40

1967

An Act to amend The Regional Detention Centres Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Regional Detention Centres Act, 1965* is amended by striking out “adjoining” in the first line, so that the subsection, exclusive of the clauses, shall read as follows: 1965,
c. 115, s. 1,
subs. 1,
amended

- (1) The councils of any two or more counties may enter into an agreement for the joint establishment, maintenance and operation of a regional detention centre, and the agreement may include any matter for such purpose, including, without restricting the generality of the foregoing, Agreement
for regional
detention
centre

(2) Subsection 2 of the said section 1 is repealed and the following substituted therefor: 1965,
c. 115, s. 1,
subs. 2,
re-enacted

- (2) A city that maintains its own jail may enter into an agreement with one or more counties in the same manner as if the city were a county, and shall be deemed to be a county for the purposes of this Act. Where
city has
own jail

2. Subsection 1 of section 2 of *The Regional Detention Centres Act, 1965* is repealed and the following substituted therefor: 1965,
c. 115, s. 2,
subs. 1,
re-enacted

- (1) Where an agreement is approved, a regional detention centre board shall be established consisting of representatives of each county entering into the agreement appointed by the council of the county and approved by the Minister of Reform Institutions, in such numbers as may be agreed upon, but Regional
detention
centre
board

the county having the largest population, as determined by the last revised assessment rolls, shall have at least one more member than any other party to the agreement.

1965,
c. 115,
amended

3. *The Regional Detention Centres Act, 1965* is amended by adding thereto the following section:

Approval
of plans

5a.—(1) Every regional detention centre shall be constructed in accordance with plans approved by the Minister of Reform Institutions.

Construction
grants

(2) Where the plans for the construction of a regional detention centre are approved under subsection 1, the board may be paid out of the moneys appropriated therefor by the Legislature a grant toward the cost of construction in accordance with the regulations.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) providing for the approval of plans under subsection 1;

(b) governing applications for grants and the manner, terms and conditions of the payment of grants;

(c) prescribing the manner of computing the cost of construction for the purposes of subsection 2 and for determining the amounts of the grants;

(d) prescribing forms for the purposes of this section and providing for their use.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Regional Detention Centres Amendment Act, 1967*.

An Act to amend
The Regional Detention Centres Act, 1965

1st Reading

March 1st, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 22nd, 1967

MR. GROSSMAN

BILL 41

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Juvenile and Family Courts Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The new section creates the office of chief judge of juvenile and family courts to perform functions corresponding to those of the chief magistrate and chief judge of the county and district courts.

BILL 41

1967

An Act to amend The Juvenile and Family Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Juvenile and Family Courts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 201,
amended

- 5b.—(1) The Lieutenant Governor in Council may appoint a chief judge of juvenile and family courts, ^{Appointment of chief judge} herein referred to as the chief judge, who shall have all the powers of a judge of a juvenile and family court.
- (2) The Attorney General may designate a judge of a ^{Deputy} juvenile and family court to act in the place of the chief judge for all purposes during his illness or absence.
- (3) The salary of the chief judge shall be paid out of the ^{Salary} moneys appropriated therefor by the Legislature.
- (4) The chief judge shall have general supervisory powers ^{Supervision over dispatch of business} over arranging the sittings of juvenile and family courts and assigning judges for hearings, as circumstances require.
- (5) In the arrangement of sittings of juvenile and family ^{Assignment of judges} courts and the assignment of judges thereto, regard shall be had to,
- (a) the desirability of rotating the judges within each county or district; and
 - (b) the greater volume of judicial work in certain of the counties and districts.

R.S.O. 1960,
c. 201, s. 20,
subs. 1,
amended

2. Subsection 1 of section 20 of *The Juvenile and Family Courts Act* is amended by inserting after "Court" in the second line "or a surrogate court", so that the subsection shall read as follows:

Supreme
Court and
surrogate
court
alimony and
maintenance
orders

- (1) A person entitled to alimony or maintenance under a judgment or order of the Supreme Court or a surrogate court may file a copy of the judgment or order in the juvenile and family court having jurisdiction where the person ordered to pay the alimony or maintenance resides, and, when so filed, it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*.

R.S.O. 1960,
c. 105

R.S.O. 1960,
c. 201, s. 21,
amended

3. Section 21 of *The Juvenile and Family Courts Act* is amended by adding thereto the following clause:

- (aa) prescribing additional duties of the chief judge.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1967*.

SECTION 2. The amendment permits provisions for maintenance in surrogate court custody orders to be enforced in the juvenile and family court, in the same manner as Supreme Court orders for alimony, maintenance and custody.

SECTION 3. Complementary to section 1.

An Act to amend
The Juvenile and Family Courts Act

1st Reading

March 1st, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 41

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Juvenile and Family Courts Act

MR. WISHART

**An Act to amend
The Juvenile and Family Courts Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Juvenile and Family Courts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 201,
amended

- 5b.—(1) The Lieutenant Governor in Council may appoint a chief judge of juvenile and family courts, herein referred to as the chief judge, who shall have all the powers of a judge of a juvenile and family court. Appoint-
ment of
chief judge
- (2) The Attorney General may designate a judge of a juvenile and family court to act in the place of the chief judge for all purposes during his illness or absence. Deputy
- (3) The salary of the chief judge shall be paid out of the moneys appropriated therefor by the Legislature. Salary
- (4) The chief judge shall have general supervisory powers over arranging the sittings of juvenile and family courts and assigning judges for hearings, as circumstances require. Supervision
over
dispatch of
business
- (5) In the arrangement of sittings of juvenile and family courts and the assignment of judges thereto, regard shall be had to, Assignment
of judges
- (a) the desirability of rotating the judges within each county or district; and
- (b) the greater volume of judicial work in certain of the counties and districts.

R.S.O. 1960,
c. 201, s. 20,
subs. 1,
amended

2. Subsection 1 of section 20 of *The Juvenile and Family Courts Act* is amended by inserting after "Court" in the second line "or a surrogate court", so that the subsection shall read as follows:

Supreme
Court and
surrogate
court
alimony and
maintenance
orders

(1) A person entitled to alimony or maintenance under a judgment or order of the Supreme Court or a surrogate court may file a copy of the judgment or order in the juvenile and family court having jurisdiction where the person ordered to pay the alimony or maintenance resides, and, when so filed, it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*.

R.S.O. 1960,
c. 105

3. Section 21 of *The Juvenile and Family Courts Act* is amended by adding thereto the following clause:

(aa) prescribing additional duties of the chief judge.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1967*.

An Act to amend
The Juvenile and Family Courts Act

1st Reading

March 1st, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 22nd, 1967

MR. WISHART

BILL 42

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Mining Tax Act

MR. SOPHA

EXPLANATORY NOTE

Self-explanatory.

BILL 42

1967

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mining Tax Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 242,
amended

14a. Notwithstanding any provision of this or any other Act, the Minister shall annually table in the Assembly a statement showing the amount of tax paid in the previous taxation year by each person liable to pay the tax imposed by section 3. Annual
statement
as to
profits tax

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Mining Tax Amendment Act, 1967*. Short title

An Act to amend The Mining Tax Act

1st Reading

March 1st, 1967

2nd Reading

3rd Reading

MR. SOPHA

BILL 43

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Highway Traffic Act

MR. BEN

EXPLANATORY NOTE

The purpose of the Bill is to require certificates of roadworthiness upon every sale of a motor vehicle and, in the case of new cars sold after the 1st day of September, 1967, also after each repair or check-up.

Provision is made for a log book in new cars in which mileage and repairs are recorded.

BILL 43

1967

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 48 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 48,
re-enacted

48. In this section and in sections 48a, 48b and 48c, Interpre-
tation

(a) "certified mechanic" means a person who holds a subsisting certificate of qualification as a motor vehicle repairer issued under *The Apprenticeship and Tradesmen's Qualification Act, 1964*; 1964, c. 3

(b) "roadworthy" means free from any mechanical or structural defect likely to render a motor vehicle unsafe for use on the highway, and "roadworthiness" has a corresponding meaning.

48a. No motor vehicle permit shall be transferred or renewed unless the applicant produces a certificate of roadworthiness given by a certified mechanic. Certificate
of road-
worthiness
on transfer
or renewal
of permit

48b.—(1) Where a motor vehicle permit is issued after the 1st day of September, 1967, for a motor vehicle for which no permit has been previously issued, the Department shall issue, with the permit, a log book in the form prescribed by the regulations, and the fact of its issuance shall be noted on the permit. Log book

(2) No person shall operate on the highway a motor vehicle for which a log book has been issued unless the log book accompanies the vehicle. Log book
in vehicle

(3) Where a registered owner of a motor vehicle for which a log book has been issued transfers his owner- Entry of
mileage

ship, he shall, at the time of a transfer of ownership, note in the log book the total number of miles travelled by the vehicle.

Entry of
repairs and
certificate
of road-
worthiness

- (4) Every person who makes repairs to a motor vehicle for which a log book has been issued, or who examines such motor vehicle for mechanical defect, shall note in the log book any repairs made and shall certify in the log book whether or not the motor vehicle is roadworthy.

Operation
of vehicle
not road-
worthy

- (5) No person shall operate a motor vehicle on the highway where the last certificate given under subsection 4 does not certify that the motor vehicle is roadworthy.

Regulations

- 48c.—(1) The Lieutenant Governor in Council may make regulations prescribing the form of log books and the entries that shall be made therein.

Offences

- (2) Every person who,
- (a) contravenes any provision of section 48b or of the regulations made under subsection 1;
 - (b) signs or permits to be signed a certificate of roadworthiness without due regard as to its accuracy; or
 - (c) operates a motor vehicle on the highway, or permits a motor vehicle to be operated on the highway, while the motor vehicle is not roadworthy,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Commence-
ment

- 2.** This Act comes into force on the 1st day of September, 1967.

Short title

- 3.** This Act may be cited as *The Highway Traffic Amendment Act, 1967*.

An Act to amend
The Highway Traffic Act

1st Reading

March 1st, 1967

2nd Reading

3rd Reading

MR. BEN

BILL 44

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Trustee Act

MR. WISHART

EXPLANATORY NOTE

The purpose of the Bill is to include the accounts of the Public Trustee in the Provincial Auditor's report.

BILL 44

1967

An Act to amend The Public Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 14 of *The Public Trustee Act* is amended by striking out "and the auditing thereof" in the first and second lines, so that the clause shall read as follows: R.S.O. 1960, c. 334, s. 14, cl. *d*, amended

(*d*) respecting the accounts to be kept.

2. *The Public Trustee Act* is amended by adding thereto the following section: R.S.O. 1960, c. 334, amended

17. The Provincial Auditor shall examine and report upon the accounts and financial transactions of the Public Trustee. Audit

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Public Trustee Amendment Act, 1967*. Short title

An Act to amend The Public Trustee Act

1st Reading

March 2nd, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 44

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Trustee Act

MR. WISHART

BILL 44

1967

An Act to amend The Public Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 14 of *The Public Trustee Act* is ^{R.S.O. 1960,} amended by striking out "and the auditing thereof" in the ^{c. 334, s. 14,} ^{cl. d,} first and second lines, so that the clause shall read as follows: ^{amended}

(*d*) respecting the accounts to be kept.

2. *The Public Trustee Act* is amended by adding thereto ^{R.S.O. 1960,} the following section: ^{c. 334,} ^{amended}

17. The Provincial Auditor shall examine and report ^{Audit} upon the accounts and financial transactions of the Public Trustee.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Public Trustee Amendment* ^{Short title} Act, 1967.

An Act to amend The Public Trustee Act

1st Reading

March 2nd, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 22nd, 1967

MR. WISHART

BILL 45

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Jurors Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The provision repealed permits a grand jury to be recalled after it has been discharged.

SECTION 2—Subsection 1. The amendment permits the judge to decide on the release of jurors not required at sittings and eliminates their choice by lot.

Subsection 2. At the present, all jurors have to re-attend each time a jury is to be selected. The amendment permits a judge to require the attendance of only the number he thinks necessary.

SECTION 3. The amendment provides for the replacement of a juror who becomes incapacitated.

BILL 45

1967

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 45 of *The Jurors Act* is repealed. R.S.O. 1960,
c. 199, s. 45,
subs. 4,
repealed
- 2.—(1) Subsection 4 of section 49 of *The Jurors Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 199, s. 49,
subs. 4,
re-enacted
 - (4) The judge presiding at the sittings may release such jurors as, in his opinion, will not be immediately required, and the release may be for the remainder of the sittings or until the judge directs that they be summoned to re-attend. Release
of jurors
during
sittings
 - (2) Subsection 5 of the said section 49 is amended by inserting after "jurors" in the fourth line "or so many of them as the judge directs", so that the subsection shall read as follows: R.S.O. 1960,
c. 199, s. 49,
subs. 5,
amended
 - (5) Where jurors have been released under this section, the trial of any person charged with an indictable offence shall not be commenced at the sittings of the court unless such jurors or so many of them as the judge directs have been summoned to re-attend at such sittings on or before the date upon which any such trial is commenced, or unless a new panel of jurors has been summoned to attend such sittings returnable on or before such date. Trial of
person
charged
with
indictable
offence
3. Section 69 of *The Jurors Act*, as amended by section 11 of *The Jurors Amendment Act, 1955*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 199, s. 69,
amended
 - (2) Where, after a grand jury is empanelled, a juror becomes unable to carry out his duties because of death, sickness or for any other reason, he shall be replaced in the same manner as a talesman is added under subsection 1. Where
juror
becomes
incapable

R.S.O. 1960,
c. 199, s. 70,
amended

4. Section 70 of *The Jurors Act* is amended by striking out "and empanelled as a petit juror upon the general precept for" in the first and second lines and inserting in lieu thereof "to attend as a petit juror at", so that the first six lines shall read as follows:

Empanelling
petit jury
at the trial

70. The name of every person summoned to attend as a petit juror at a sittings of the Supreme Court, the court of general sessions of the peace, or county court, with his place of residence and addition, shall be written distinctly by the sheriff on a card or paper, as nearly as may be of the form and size following, viz.:

R.S.O. 1960,
c. 199, s. 72,
re-enacted

5. Section 72 of *The Jurors Act* is repealed and the following substituted therefor:

Selection
of juries
in advance

72. A jury may be selected in accordance with section 71 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sittings and shall attend for service upon the summons of the sheriff.

Short title

6. This Act may be cited as *The Jurors Amendment Act, 1967*.

SECTION 4. Complementary to subsection 2 of section 2 of the Bill.

SECTION 5. The amendment permits a judge to have the juries required at a sittings selected at one time in advance of the cases to be heard.

An Act to amend The Jurors Act

1st Reading

March 2nd, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 45

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Jurors Act

MR. WISHART

BILL 45

1967

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 45 of *The Jurors Act* is repealed. R.S.O. 1960,
c. 199, s. 45,
subs. 4,
repealed
- 2.—(1) Subsection 4 of section 49 of *The Jurors Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 199, s. 49,
subs. 4,
re-enacted
 - (4) The judge presiding at the sittings may release such jurors as, in his opinion, will not be immediately required, and the release may be for the remainder of the sittings or until the judge directs that they be summoned to re-attend. Release
of jurors
during
sittings
- (2) Subsection 5 of the said section 49 is amended by inserting after "jurors" in the fourth line "or so many of them as the judge directs", so that the subsection shall read as follows: R.S.O. 1960,
c. 199, s. 49,
subs. 5,
amended
- (5) Where jurors have been released under this section, the trial of any person charged with an indictable offence shall not be commenced at the sittings of the court unless such jurors or so many of them as the judge directs have been summoned to re-attend at such sittings on or before the date upon which any such trial is commenced, or unless a new panel of jurors has been summoned to attend such sittings returnable on or before such date. Trial of
person
charged
with
indictable
offence
3. Section 69 of *The Jurors Act*, as amended by section 11 of *The Jurors Amendment Act, 1955*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 199, s. 69,
amended
 - (2) Where, after a grand jury is empanelled, a juror becomes unable to carry out his duties because of death, sickness or for any other reason, he shall be replaced in the same manner as a talesman is added under subsection 1. Where
juror
becomes
incapable

R.S.O. 1960,
c. 199, s. 70,
amended

4. Section 70 of *The Jurors Act* is amended by striking out “and empanelled as a petit juror upon the general precept for” in the first and second lines and inserting in lieu thereof “to attend as a petit juror at”, so that the first six lines shall read as follows:

Empanelling
petit jury
at the trial

70. The name of every person summoned to attend as a petit juror at a sittings of the Supreme Court, the court of general sessions of the peace, or county court, with his place of residence and addition, shall be written distinctly by the sheriff on a card or paper, as nearly as may be of the form and size following, viz.:

R.S.O. 1960,
c. 199, s. 72,
re-enacted

5. Section 72 of *The Jurors Act* is repealed and the following substituted therefor:

Selection
of juries
in advance

72. A jury may be selected in accordance with section 71 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sittings and shall attend for service upon the summons of the sheriff.

Short title

6. This Act may be cited as *The Jurors Amendment Act, 1967*.

An Act to amend The Jurors Act

1st Reading

March 2nd, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 22nd, 1967

MR. WISHART

BILL 46

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Expropriation Procedures Act, 1962-63

MR. BEN

EXPLANATORY NOTE

The Bill requires disclosure of the contents of the expropriating authority's appraisal of values and requires the authority to offer an appraiser's valuation.

BILL 46

1967

**An Act to amend
The Expropriation Procedures Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Expropriation Procedures Act, 1962-63* is amended ^{1962-63, c. 43, amended} by adding thereto the following section:

8a.—(1) Before serving upon the owner an offer under section 8, the expropriating authority shall obtain appraisals of the value of all interests in the land by at least two appraisers who are independent of each other, and the offer shall be for the amount recommended in the report of one of the appraisers.

(2) The expropriating authority shall, at the time the offer is served under subsection 1 of section 8, ^{Service of appraisers' report} serve the report of each of the appraisers upon each owner having an interest in the land.

2. This Act applies to expropriations made after this Act ^{Application of Act} comes into force.

3. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

4. This Act may be cited as *The Expropriation Procedures* ^{Short title} *Amendment Act, 1967*.

An Act to amend
The Expropriation Procedures Act, 1962-63

1st Reading

March 3rd, 1967

2nd Reading

3rd Reading

MR. BEN

BILL 47

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

MR. ROWNTREE

EXPLANATORY NOTE

Self-explanatory.

BILL 47

1967

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following section: <sup>1966, c. 41,
amended</sup>

- 9a.—(1) There shall be a committee of not more than <sup>Advisory
Committee</sup> nine members to be known as the Financial and Commercial Affairs Advisory Committee, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.
- (2) The Lieutenant Governor in Council may designate ^{Chairman} one of the members to be chairman of the Advisory Committee.
- (3) The Advisory Committee shall meet at the call of ^{Meetings} the Minister.
- (4) The Advisory Committee shall, when requested by ^{Function} the Minister, consult with and advise the Minister on financial, commercial and related matters.
- (5) The Lieutenant Governor in Council may provide <sup>Remunera-
tion</sup> remuneration to each member of the Advisory Committee.
- (6) Each member is entitled to his reasonable and neces- ^{Expenses} sary expenses for attending meetings and in the transaction of the business of the Advisory Committee.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1967*. ^{Short title}

An Act to amend The Department of
Financial and Commercial Affairs Act, 1966

1st Reading

March 9th, 1967

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 47

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

MR. ROWNTREE

BILL 47

1967

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following section: 1966, c. 41,
amended

- 9a.—(1) There shall be a committee of not more than Advisory
Committee nine members to be known as the Financial and Commercial Affairs Advisory Committee, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.
- (2) The Lieutenant Governor in Council may designate Chairman one of the members to be chairman of the Advisory Committee.
- (3) The Advisory Committee shall meet at the call of Meetings the Minister.
- (4) The Advisory Committee shall, when requested by Function the Minister, consult with and advise the Minister on financial, commercial and related matters.
- (5) The Lieutenant Governor in Council may provide Remunera-
tion remuneration to each member of the Advisory Committee.
- (6) Each member is entitled to his reasonable and neces- Expenses sary expenses for attending meetings and in the transaction of the business of the Advisory Committee.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1967*. Short title

An Act to amend The Department of
Financial and Commercial Affairs Act, 1966

1st Reading

March 9th, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 22nd, 1967

MR. ROWNTREE

BILL 48

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Consumer Protection Act, 1966

MR. ROWNTREE

EXPLANATORY NOTES

The amendments are for the purpose of uniformity and will make the Act conform to similar legislation in other Provinces of Canada.

BILL 48

1967

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966* is ^{1966, c. 23, s. 1,} amended by relettering clause *a* as clause *aa* and by adding ^{amended} thereto the following clause:

(a) “actually received” means the sum of money received by the borrower from the lender that can be used by the borrower without any restrictions on its use imposed by the lender.

(2) Sub-subclause b of subclause i of clause *c* of the said ^{1966, c. 23,} section 1 is amended by adding at the end thereof “plus, in ^{s. 1, cl. c,} each case, insurance or official fees, if any, actually paid by ^{subcl. i,} the lender”, so that the sub-subclause shall read as follows: ^{s-subcl. b,} ^{amended}

b. the sum actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services less the sums, if any, actually paid as a down payment or credited in respect of a trade-in or paid or credited for any other reason plus, in each case, insurance or official fees, if any, actually paid by the lender.

(3) Clause *e* of the said section 1 is amended by striking ^{1966, c. 23,} out “Registration and Examination Branch” in the first and ^{s. 1, cl. e,} second lines and inserting in lieu thereof “Consumer Protec- ^{amended} tion Division”, so that the clause shall read as follows:

(e) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs.

(4) The said section 1 is further amended by adding thereto ^{1966,} the following clauses: ^{c. 23, s. 1,} ^{amended}

(ga) "insurance" means insurance other than insurance placed with an insurance company or through an insurance agency in which the lender has an interest financial or otherwise and includes,

- (i) life insurance,
- (ii) public liability insurance,
- (iii) property damage insurance, and
- (iv) accident and health insurance;

(ia) "official fee" means a fee that is required to be paid by or under a statute of Ontario or Canada;

(ja) "purchase price" means the total obligation payable by the buyer under an executory contract.

1966, c. 23,
s. 21, cl. a,
re-enacted

2.—(1) Clause *a* of section 21 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

- (a) the sum,
 - (i) expressed as one sum in dollars and cents, actually received in cash by the borrower, plus insurance or official fees, if any, actually paid by the lender, or
 - (ii) where the lender is a seller, being the amount of the cash price of the goods or services, including any insurance or official fees.

1966, c. 23,
s. 21, cl. c,
amended

(2) Clause *c* of the said section 21 is amended by inserting after "under" in the second line "subclause ii of", so that the clause shall read as follows:

- (c) where the lender is a seller, the amount by which the sum stated under subclause ii of clause *a* exceeds the sum stated under clause *b*.

1966, c. 23,
s. 21, cl. e,
amended

(3) Clause *e* of the said section 21 is amended by,

- (a) inserting after "under" in the first line of subclause i "subclause i of";

(b) striking out "of the obligation" in the seventh line and inserting in lieu thereof "thereof"; and

(c) striking out "and" in the ninth line,

so that the clause shall read as follows:

(e) the percentage that the cost of borrowing bears to the sum stated,

(i) under subclause i of clause *a*, where the lender is not a seller, or

(ii) under clause *c*, where the lender is a seller,

expressed as an annual rate applied to the unpaid balance thereof from time to time, calculated and expressed in the manner prescribed by the regulations.

(4) The said section 21 is amended by relettering clause ^f1966, c. 23, s. 21, as clause *h* and by adding thereto the following clauses: ^{amended}

(f) the amount, if any, charged for insurance;

(g) the amount, if any, charged for official fees; and

3. Subclause i of clause *a* of subsection 2 of section 22 of ^{1966, c. 23, s. 22,} *The Consumer Protection Act, 1966* is amended by inserting ^{subs. 2,} after "percentage" in the first line "or scale of annual per- ^{cl. a,} centages", so that the subclause shall read as follows: ^{subcl. i,} ^{amended}

(i) stated as an annual percentage, or scale of annual percentages, of such balance charged at the end of each period, subject to a minimum dollars-and-cents charge, if any, and

4.—(1) Subsection 1 of section 26 of *The Consumer Protection Act, 1966* is amended by adding at the commencement ^{1966, c. 23, s. 26,} thereof "Subject to the regulations", so that the subsection ^{subs. 1,} shall read as follows: ^{amended}

(1) Subject to the regulations, no lender shall represent, ^{Advertising of cost of borrowing} either orally or in print, or by radio or television broadcast, his charge for credit or cause such charge to be so represented unless the representation includes the full cost of borrowing and is expressed in the manner required by section 21 or 22.

1966,
c. 23, s. 26,
subs. 2,
amended

(2) Subsection 2 of the said section 26 is amended by adding at the commencement thereof "Subject to the regulations", so that the subsection shall read as follows:

Advertising
of other
terms of
credit

(2) Subject to the regulations, where a lender represents or causes to be represented in a printing, broadcast or other publication any terms of the credit agreement other than that referred to in subsection 1, the lender shall also include or cause to be included all other relevant terms of the credit transaction, including,

- (a) the sum to be actually received in cash by the borrower or the actual cash price of the goods;
- (b) the amount of the down payment;
- (c) the amount of each instalment; and
- (d) the number of instalments required to repay the total indebtedness, including the cost of borrowing.

1966,
c. 23, s. 32,
amended

5. Section 32 of *The Consumer Protection Act, 1966* is amended by adding thereto the following subsection:

Exemption

(4) The provisions of this Act and the regulations shall not apply to any contravention of this Act or the regulations that a lender proves to be the result of accident or *bona fide* error or to be a clerical error or omission or a violation beyond the control of the lender where the lender is a seller.

1966,
c. 23, s. 33,
amended

6. Section 33 of *The Consumer Protection Act, 1966* is amended by relettering clause *j* as clause *l* and by adding thereto the following clauses:

- (*j*) defining any expression used in Part II or Part III of this Act;
- (*k*) governing the advertising by lenders of the cost of borrowing or other terms of credit.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Consumer Protection Amendment Act, 1967*.

An Act to amend
The Consumer Protection Act, 1966

1st Reading

March 9th, 1967

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 48

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Consumer Protection Act, 1966

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The amendments are for the purpose of uniformity and will make the Act conform to similar legislation in other Provinces of Canada.

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966* is ^{1966, c. 23, s. 1, amended} amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) “actually received” means the sum of money received by the borrower from the lender that can be used by the borrower without any restrictions on its use imposed by the lender.

(2) Sub-subclause *b* of subclause *i* of clause *c* of the said section 1 is amended by adding at the end thereof “plus, in ^{1966, c. 23, s. 1, cl. c, subcl. i, s-subcl. b, amended} each case, insurance or official fees, if any, actually paid by the lender”, so that the sub-subclause shall read as follows:

b. the sum actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services less the sums, if any, actually paid as a down payment or credited in respect of a trade-in or paid or credited for any other reason plus, in each case, insurance or official fees, if any, actually paid by the lender.

(3) Clause *e* of the said section 1 is amended by striking out “Registration and Examination Branch” in the first and second lines and inserting in lieu thereof “Consumer Protection Division”, so that the clause shall read as follows:

(e) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs.

(4) The said section 1 is further amended by adding thereto the following clauses: ^{1966, c. 23, s. 1, amended}

- (ia) "official fee" means a fee that is required to be paid by or under a statute of Ontario or Canada;

- (ja) "purchase price" means the total obligation payable by the buyer under an executory contract.

1966, c. 23,
s. 21, cl. a,
re-enacted

2.—(1) Clause *a* of section 21 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

- (a) the sum,
- (i) expressed as one sum in dollars and cents, actually received in cash by the borrower, plus insurance or official fees, if any, actually paid by the lender, or
 - (ii) where the lender is a seller, being the amount of the cash price of the goods or services, including any insurance or official fees.

1966, c. 23,
s. 21, cl. c,
amended

(2) Clause *c* of the said section 21 is amended by inserting after "under" in the second line "subclause ii of", so that the clause shall read as follows:

- (c) where the lender is a seller, the amount by which the sum stated under subclause ii of clause *a* exceeds the sum stated under clause *b*.

1966, c. 23,
s. 21, cl. e,
amended

(3) Clause *e* of the said section 21 is amended by,

- (a) inserting after "under" in the first line of subclause i "subclause i of";
- (b) striking out "of the obligation" in the seventh line and inserting in lieu thereof "thereof"; and
- (c) striking out "and" in the ninth line,

so that the clause shall read as follows:

- (e) the percentage that the cost of borrowing bears to the sum stated,
 - (i) under subclause i of clause *a*, where the lender is not a seller, or
 - (ii) under clause *c*, where the lender is a seller,

expressed as an annual rate applied to the unpaid balance thereof from time to time, calculated and expressed in the manner prescribed by the regulations.

(4) The said section 21 is amended by relettering clause ^{1966,} *f* c. 23, s. 21, as clause *h* and by adding thereto the following clauses: amended

(f) the amount, if any, charged for insurance;

(g) the amount, if any, charged for official fees; and

3. Subclause *i* of clause *a* of subsection 2 of section 22 of ^{1966,} *The Consumer Protection Act, 1966* is amended by inserting c. 23, s. 22, after "percentage" in the first line "or scale of annual per- subs. 2, centages", so that the subclause shall read as follows: cl. *a*, subcl. 1, amended

(i) stated as an annual percentage, or scale of annual percentages, of such balance charged at the end of each period, subject to a minimum dollars-and-cents charge, if any, and

4.—(1) Subsection 1 of section 26 of *The Consumer Protection Act, 1966* is amended by adding at the commencement thereof "Subject to the regulations", so that the subsection shall read as follows: ^{1966,} c. 23, s. 26, subs. 1, amended

(1) Subject to the regulations, no lender shall represent, ^{Advertising of cost of borrowing} either orally or in print, or by radio or television broadcast, his charge for credit or cause such charge to be so represented unless the representation includes the full cost of borrowing and is expressed in the manner required by section 21 or 22.

(2) Subsection 2 of the said section 26 is amended by adding ^{1966,} at the commencement thereof "Subject to the regulations", c. 23, s. 26, subs. 2, amended so that the subsection shall read as follows:

(2) Subject to the regulations, where a lender represents ^{Advertising of other terms of credit} or causes to be represented in a printing, broadcast or other publication any terms of the credit agreement other than that referred to in subsection 1, the lender shall also include or cause to be included all other relevant terms of the credit transaction, including,

(a) the sum to be actually received in cash by the borrower or the actual cash price of the goods;

- (b) the amount of the down payment;
- (c) the amount of each instalment; and
- (d) the number of instalments required to repay the total indebtedness, including the cost of borrowing.

1966,
c. 23, s. 32,
amended

5. Section 32 of *The Consumer Protection Act, 1966* is amended by adding thereto the following subsection:

Exemption

- (4) The provisions of this Act and the regulations shall not apply to any contravention of this Act or the regulations that a lender proves to be the result of accident or *bona fide* error or to be a clerical error or omission or a violation beyond the control of the lender where the lender is a seller.

1966,
c. 23, s. 33,
amended

6. Section 33 of *The Consumer Protection Act, 1966* is amended by relettering clause *j* as clause *l* and by adding thereto the following clauses:

- (j) defining any expression used in Part II or Part III of this Act;
- (k) governing the advertising by lenders of the cost of borrowing or other terms of credit.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Consumer Protection Amendment Act, 1967*.

An Act to amend
The Consumer Protection Act, 1966

1st Reading

March 9th, 1967

2nd Reading

March 13th, 1967

3rd Reading

MR. ROWNTREE

(Reprinted as amended by the
Committee of the Whole House)

BILL 48

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Consumer Protection Act, 1966

MR. ROWNTREE

BILL 48

1967

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966* is ^{1966, c. 23, s. 1,} amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

- (a) “actually received” means the sum of money received by the borrower from the lender that can be used by the borrower without any restrictions on its use imposed by the lender.

(2) Sub-subclause b of subclause i of clause *c* of the said ^{1966, c. 23,} section 1 is amended by adding at the end thereof “plus, in ^{s. 1, cl. c,} each case, insurance or official fees, if any, actually paid by ^{subcl. i,} the lender”, so that the sub-subclause shall read as follows: ^{s-subcl. b,} amended

- b. the sum actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services less the sums, if any, actually paid as a down payment or credited in respect of a trade-in or paid or credited for any other reason plus, in each case, insurance or official fees, if any, actually paid by the lender.

(3) Clause *e* of the said section 1 is amended by striking out “Registration and Examination Branch” in the first and second lines and inserting in lieu thereof “Consumer Protection Division”, so that the clause shall read as follows: ^{1966, c. 23,} amended ^{s. 1, cl. e,}

- (e) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs.

(4) The said section 1 is further amended by adding thereto the following clauses: ^{1966, c. 23, s. 1,} amended

- (ia) "official fee" means a fee that is required to be paid by or under a statute of Ontario or Canada;

.

- (ja) "purchase price" means the total obligation payable by the buyer under an executory contract.

1966, c. 23,
s. 21, cl. a,
re-enacted

2.—(1) Clause *a* of section 21 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

- (a) the sum,

- (i) expressed as one sum in dollars and cents, actually received in cash by the borrower, plus insurance or official fees, if any, actually paid by the lender, or

- (ii) where the lender is a seller, being the amount of the cash price of the goods or services, including any insurance or official fees.

1966, c. 23,
s. 21, cl. c,
amended

(2) Clause *c* of the said section 21 is amended by inserting after "under" in the second line "subclause ii of", so that the clause shall read as follows:

- (c) where the lender is a seller, the amount by which the sum stated under subclause ii of clause *a* exceeds the sum stated under clause *b*.

1966, c. 23,
s. 21, cl. e,
amended

(3) Clause *e* of the said section 21 is amended by,

- (a) inserting after "under" in the first line of subclause i "subclause i of";

- (b) striking out "of the obligation" in the seventh line and inserting in lieu thereof "thereof"; and

- (c) striking out "and" in the ninth line,

so that the clause shall read as follows:

- (e) the percentage that the cost of borrowing bears to the sum stated,

- (i) under subclause i of clause *a*, where the lender is not a seller, or

- (ii) under clause *c*, where the lender is a seller,

expressed as an annual rate applied to the unpaid balance thereof from time to time, calculated and expressed in the manner prescribed by the regulations.

(4) The said section 21 is amended by relettering clause *f* ^{1966, c. 23, s. 21} as clause *h* and by adding thereto the following clauses: ^{amended}

(*f*) the amount, if any, charged for insurance;

(*g*) the amount, if any, charged for official fees; and

3. Subclause *i* of clause *a* of subsection 2 of section 22 of ^{1966, c. 23, s. 22,} *The Consumer Protection Act, 1966* is amended by inserting ^{subs. 2,} after "percentage" in the first line "or scale of annual per- ^{cl. a,} centages", so that the subclause shall read as follows: ^{subcl. 1,} ^{amended}

(*i*) stated as an annual percentage, or scale of annual percentages, of such balance charged at the end of each period, subject to a minimum dollars-and-cents charge, if any, and

4.—(1) Subsection 1 of section 26 of *The Consumer Protection Act, 1966* is amended by adding at the commencement ^{1966, c. 23, s. 26,} thereof "Subject to the regulations", so that the subsection ^{subs. 1,} shall read as follows: ^{amended}

(1) Subject to the regulations, no lender shall represent, ^{Advertising of cost of borrowing} either orally or in print, or by radio or television broadcast, his charge for credit or cause such charge to be so represented unless the representation includes the full cost of borrowing and is expressed in the manner required by section 21 or 22.

(2) Subsection 2 of the said section 26 is amended by adding ^{1966, c. 23, s. 26,} at the commencement thereof "Subject to the regulations", ^{subs. 2,} so that the subsection shall read as follows: ^{amended}

(2) Subject to the regulations, where a lender represents ^{Advertising of other terms of credit} or causes to be represented in a printing, broadcast or other publication any terms of the credit agreement other than that referred to in subsection 1, the lender shall also include or cause to be included all other relevant terms of the credit transaction, including,

(*a*) the sum to be actually received in cash by the borrower or the actual cash price of the goods;

(b) the amount of the down payment;

(c) the amount of each instalment; and

(d) the number of instalments required to repay the total indebtedness, including the cost of borrowing.

1966,
c. 23, s. 32,
amended

5. Section 32 of *The Consumer Protection Act, 1966* is amended by adding thereto the following subsection:

Exemption

(4) The provisions of this Act and the regulations shall not apply to any contravention of this Act or the regulations that a lender proves to be the result of accident or *bona fide* error or to be a clerical error or omission or a violation beyond the control of the lender where the lender is a seller.

1966,
c. 23, s. 33,
amended

6. Section 33 of *The Consumer Protection Act, 1966* is amended by relettering clause *j* as clause *l* and by adding thereto the following clauses:

(j) defining any expression used in Part II or Part III of this Act;

(k) governing the advertising by lenders of the cost of borrowing or other terms of credit.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Consumer Protection Amendment Act, 1967*.

An Act to amend
The Consumer Protection Act, 1966

1st Reading

March 9th, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 22nd, 1967

MR. ROWNTREE

BILL 49

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Public Hospitals Act

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. This provides that the new Group H public hospitals for active psychiatric treatment and the new Group I hospitals for the treatment of alcoholism and drug addiction will not be required to admit as a patient anyone other than a person requiring the specialized type of care and treatment provided in the particular hospital. As the result of the creation of the two new groups of public hospitals, it is necessary to amend the existing three subsections of section 14 to continue to make it clear that a hospital in each public hospital group is required to admit only the type of patients for which the hospital has been approved and equipped to treat.

BILL 49

1967

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 14 of *The Public Hospitals Act* is amended by striking out “other than a hospital for chronically ill persons or a hospital for convalescent persons” in the second and third lines and inserting in lieu thereof “that in the regulations is classed as a Group A, Group B, Group C or Group D hospital”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 322, s. 14,
subs. 1,
amended

- (1) Except as may be otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group A, Group B, Group C or Group D hospital shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of active treatment.

Admission
of patients,
general
hospitals

(2) Subsection 2 of the said section 14 is amended by inserting after “aid” in the second line “that in the regulations is classed as a Group E hospital”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 322, s. 14,
subs. 2,
amended

- (2) Except as may be otherwise provided in this Act, no hospital for convalescent persons receiving provincial aid that in the regulations is classed as a Group E hospital shall be required to admit as a patient a chronically ill person or a person who is in need of active treatment, and no hospital for convalescent persons receiving such aid shall refuse to admit as a patient any convalescent person referred to it from an active treatment hospital or by a legally qualified medical practitioner in accordance with the regulations.

Idem.
hospitals
for con-
valescent
persons

R.S.O. 1960,
c. 322, s. 14,
subs. 3,
amended

(3) Subsection 3 of the said section 14 is amended by inserting after "aid" in the second line "that in the regulations is classed as a Group F or Group G hospital", so that the subsection shall read as follows:

Idem,
hospitals
for
chronically
ill persons

(3) Except as may be otherwise provided in this Act, no hospital for chronically ill persons receiving provincial aid that in the regulations is classed as a Group F or Group G hospital shall be required to admit as a patient a convalescent person or a person who is in need of active treatment, and no hospital for chronically ill persons receiving such aid shall refuse to admit as a patient any chronically ill person so certified and referred to it from an active treatment hospital in accordance with the regulations.

R.S.O. 1960,
c. 322, s. 14,
amended

(4) The said section 14 is amended by adding thereto the following subsections:

Idem,
hospitals
for active
psychiatric
treatment

(4) Except as may be otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group H hospital shall be required to admit as a patient any person other than a person requiring active psychiatric treatment.

Idem,
hospitals
for
alcoholism
and drug
addiction

(5) Except as may be otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group I hospital shall be required to admit as a patient any person other than a person suffering from alcoholism or drug addiction.

R.S.O. 1960,
c. 322, s. 18,
subs. 1, cl. a,
amended

2. Clause *a* of subsection 1 of section 18 of *The Public Hospitals Act* is amended by inserting after "A" in the second line "Group H or Group I", so that the clause shall read as follows:

(a) in the case of a hospital that in the regulations is classed as a Group A, Group H or Group I hospital, at the rate of \$9 per day.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Hospitals Amendment Act, 1967*.

SECTION 2. The purpose of this section is to classify the new Group H public hospitals for active psychiatric treatment and the new Group I public hospitals for alcoholism and drug addiction with Group A general hospitals, so that the municipal liability for the treatment of indigent patients will be at the rate of \$9 per day per patient.

1st Reading

March 9th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 49

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Hospitals Act

MR. DYMOND

BILL 49

1967

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 14 of *The Public Hospitals Act* is amended by striking out “other than a hospital for chronically ill persons or a hospital for convalescent persons” in the second and third lines and inserting in lieu thereof “that in the regulations is classed as a Group A, Group B, Group C or Group D hospital”, so that the subsection shall read as follows:

- (1) Except as may be otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group A, Group B, Group C or Group D hospital shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of active treatment.

(2) Subsection 2 of the said section 14 is amended by inserting after “aid” in the second line “that in the regulations is classed as a Group E hospital”, so that the subsection shall read as follows:

- (2) Except as may be otherwise provided in this Act, no hospital for convalescent persons receiving provincial aid that in the regulations is classed as a Group E hospital shall be required to admit as a patient a chronically ill person or a person who is in need of active treatment, and no hospital for convalescent persons receiving such aid shall refuse to admit as a patient any convalescent person referred to it from an active treatment hospital or by a legally qualified medical practitioner in accordance with the regulations.

R.S.O. 1960,
c. 322, s. 14,
subs. 3,
amended

(3) Subsection 3 of the said section 14 is amended by inserting after "aid" in the second line "that in the regulations is classed as a Group F or Group G hospital", so that the subsection shall read as follows:

Idem,
hospitals
for
chronically
ill persons

(3) Except as may be otherwise provided in this Act, no hospital for chronically ill persons receiving provincial aid that in the regulations is classed as a Group F or Group G hospital shall be required to admit as a patient a convalescent person or a person who is in need of active treatment, and no hospital for chronically ill persons receiving such aid shall refuse to admit as a patient any chronically ill person so certified and referred to it from an active treatment hospital in accordance with the regulations.

R.S.O. 1960,
c. 322, s. 14,
amended

(4) The said section 14 is amended by adding thereto the following subsections:

Idem,
hospitals
for active
psychiatric
treatment

(4) Except as may be otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group H hospital shall be required to admit as a patient any person other than a person requiring active psychiatric treatment.

Idem,
hospitals
for
alcoholism
and drug
addiction

(5) Except as may be otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group I hospital shall be required to admit as a patient any person other than a person suffering from alcoholism or drug addiction.

R.S.O. 1960,
c. 322, s. 18,
subs. 1, cl. a,
amended

2. Clause *a* of subsection 1 of section 18 of *The Public Hospitals Act* is amended by inserting after "A" in the second line "Group H or Group I", so that the clause shall read as follows:

(a) in the case of a hospital that in the regulations is classed as a Group A, Group H or Group I hospital, at the rate of \$9 per day.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Hospitals Amendment Act, 1967*.

An Act to amend
The Public Hospitals Act

1st Reading

March 9th, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 21st, 1967

MR. DYMOND

BILL 50

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Private Hospitals Act

MR. DYMOND

EXPLANATORY NOTE

The purpose of this Bill is to give a municipality that signs an agreement with a private hospital respecting treatment of indigent patients resident in the municipality the right to recover the cost of such treatment from the patient or his estate if action is taken within one year after the patient's discharge from the hospital or his death in the hospital.

BILL 50

1967

An Act to amend The Private Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Private Hospitals Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 305, s. 1,
amended

(*ea*) "municipality" means a metropolitan municipality, city, separated town, or county, except that in a territorial district it means a city, town, village, township or improvement district;

(*ha*) "resident" means actually resident in a municipality for a period of three months within the six months next prior to admission to a private hospital;

(*ia*) "territorial district" means any of the territorial districts set forth in *The Territorial Division Act*; R.S.O. 1960,
c. 395

(*ib*) "territory without municipal organization" means those parts of Ontario that are without municipal organization, including Indian reservations and provincial parks, but not including property of the Government of Canada used for the purposes of national defence installations, camps or stations.

2. Section 22 of *The Private Hospitals Act* is amended by inserting after "persons" in the fifth line "who are resident", R.S.O. 1960,
c. 305, s. 22,
amended so that the section shall read as follows:

22. Any municipality, with the approval of the Commission, may enter into an annual agreement with the licensee of a private hospital respecting the admission to and treatment in the private hospital of indigent Municipal
agreements
as to
indigents

persons and dependants of indigent persons who are resident in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Commission may terminate any such agreement at any time by thirty days notice in writing to the parties thereto.

R.S.O. 1960,
c. 305,
amended

3. *The Private Hospitals Act* is amended by re-numbering section 22a, as enacted by section 7 of *The Private Hospitals Amendment Act, 1962-63*, as section 22b and by adding thereto the following section:

Municipal
right of
recourse
against
patient

22a.—(1) Upon the payment by a municipality of any account rendered to it by a private hospital for the treatment of a patient under the terms of an agreement entered into under section 22, such municipality may recover from the patient or, in the event of his death, from his estate or, in the case of a dependant, from any person liable in law for such dependant the amount of the payment so made, and such amount may be recovered as a debt in any court of competent jurisdiction.

Idem

(2) The right of a municipality under subsection 1 to recover any payment made by it to a private hospital commences the day after the patient is discharged from the hospital or dies in the hospital and does not include the right while the patient is in hospital to take any part of the pension received by the patient under the *Old Age Security Act* (Canada) or received under that Act by the person whose dependant the patient is.

R.S.C. 1952,
c. 200

Limitation

(3) The right of a municipality under subsection 1 to recover any payment made by it to a private hospital ceases one year after the discharge of the patient from the hospital or his death in the hospital.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Private Hospitals Amendment Act, 1967*.

An Act to amend
The Private Hospitals Act

1st Reading

March 9th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 50

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Private Hospitals Act

MR. DYMOND

BILL 50

1967

An Act to amend The Private Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Private Hospitals Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 305, s. 1,
amended

(*ea*) "municipality" means a metropolitan municipality, city, separated town, or county, except that in a territorial district it means a city, town, village, township or improvement district;

.

(*ha*) "resident" means actually resident in a municipality for a period of three months within the six months next prior to admission to a private hospital;

.

(*ia*) "territorial district" means any of the territorial districts set forth in *The Territorial Division Act*; R.S.O. 1960,
c. 395

(*ib*) "territory without municipal organization" means those parts of Ontario that are without municipal organization, including Indian reservations and provincial parks, but not including property of the Government of Canada used for the purposes of national defence installations, camps or stations.

2. Section 22 of *The Private Hospitals Act* is amended by inserting after "persons" in the fifth line "who are resident", R.S.O. 1960,
c. 305, s. 22,
amended so that the section shall read as follows:

22. Any municipality, with the approval of the Commission, may enter into an annual agreement with the licensee of a private hospital respecting the admission to and treatment in the private hospital of indigent Municipal
agreements
as to
indigents

persons and dependants of indigent persons who are resident in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Commission may terminate any such agreement at any time by thirty days notice in writing to the parties thereto.

R.S.O. 1960,
c. 305,
amended

3. *The Private Hospitals Act* is amended by re-numbering section 22a, as enacted by section 7 of *The Private Hospitals Amendment Act, 1962-63*, as section 22b and by adding thereto the following section:

Municipal
right of
recourse
against
patient

22a.—(1) Upon the payment by a municipality of any account rendered to it by a private hospital for the treatment of a patient under the terms of an agreement entered into under section 22, such municipality may recover from the patient or, in the event of his death, from his estate or, in the case of a dependant, from any person liable in law for such dependant the amount of the payment so made, and such amount may be recovered as a debt in any court of competent jurisdiction.

Idem

(2) The right of a municipality under subsection 1 to recover any payment made by it to a private hospital commences the day after the patient is discharged from the hospital or dies in the hospital and does not include the right while the patient is in hospital to take any part of the pension received by the patient under the *Old Age Security Act* (Canada) or received under that Act by the person whose dependant the patient is.

R.S.C. 1952,
c. 200

Limitation

(3) The right of a municipality under subsection 1 to recover any payment made by it to a private hospital ceases one year after the discharge of the patient from the hospital or his death in the hospital.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Private Hospitals Amendment Act, 1967*.

An Act to amend
The Private Hospitals Act

1st Reading

March 9th, 1967

2nd Reading

March 13th, 1967

3rd Reading

March 21st, 1967

MR. DYMOND

BILL 51

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Highway Traffic Act

MR. YOUNG

EXPLANATORY NOTE

The purpose of the Bill is to provide a system for inspecting motor vehicles for mechanical safety and for enforcing safety standards.

BILL 51

1967

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

49a.—(1) No person shall operate a motor vehicle, other Safety
inspections than a public vehicle or public commercial vehicle, on the highway unless, within the preceding six-month period, it has been inspected by an inspector and certified by him in accordance with this section as free from mechanical, structural or other defect that would render the vehicle unsafe for use on the highway.

(2) The Lieutenant Governor in Council may appoint Inspectors mechanics holding subsisting certificates of qualification under *The Apprenticeship and Tradesmen's Qualification Act, 1964*, as inspectors for the purposes of this section. 1964, c. 3

(3) The certificate of an inspector under subsection 1 Certificates shall be endorsed on the motor vehicle permit for the vehicle.

(4) A motor vehicle permit shall not be issued in respect of a motor vehicle for which a permit has been Renewal
of
permits previously issued unless a certificate has been given under this section within six months before the new permit is issued.

(5) The Lieutenant Governor in Council may make regulations requiring the payment of inspection fees Inspection
fees and prescribing the amounts thereof.

(6) Every person who operates a motor vehicle on the Offence highway in contravention of subsection 1 and every

owner of a motor vehicle who permits the vehicle to be so operated is guilty of an offence and is liable to a fine of not more than \$500.

Commence-
ment

2. This Act comes into force on the 1st day of March, 1968.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1967*.

An Act to amend
The Highway Traffic Act

1st Reading

March 14th, 1967

2nd Reading

3rd Reading

MR. YOUNG

BILL 52

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Used Car Dealers Act, 1964

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. The amendment substitutes the Minister of Financial and Commercial Affairs for the Attorney General, in line with the change in the administration of the Act.

SECTION 2. Self-explanatory.

SECTION 3. Complementary to section 1 of the Bill.

SECTION 4. The clauses added require additional information to be provided to the Registrar by used car dealers.

BILL 52 **1967**

**An Act to amend
The Used Car Dealers Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Used Car Dealers Act, 1964* is amended by striking out “the Attorney General” in the second and third lines and inserting in lieu thereof “Financial and Commercial Affairs”. 1964, c. 121, s. 1, cl. a, amended

(2) The said section 1 is amended by adding thereto the following clause: 1964, c. 121, s. 1, amended

(aa) “Minister” means the Minister of Financial and Commercial Affairs.

2. Section 3 of *The Used Car Dealers Act, 1964* is amended by adding thereto the following subsection: 1964, c. 121, s. 3, amended

(3) A used car dealer shall not retain the services of a salesman who is not licensed under this Act. Dealer to ensure salesmen licensed

3. Subsection 1 of section 6 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first line and inserting in lieu thereof “Minister”. 1964, c. 121, s. 6, subs. 1, amended

4. Subsection 2 of section 9 of *The Used Car Dealers Act, 1964* is amended by striking out “and” at the end of clause *b* and by adding thereto the following clauses: 1964, c. 121, s. 9, subs. 2, amended

(d) any change in the name under which the dealer carries on business; and

(e) any change in the person or persons having actual or effective control of the business of the registered dealer.

1964,
c. 121, s. 11,
subs. 2,
amended

5. (1) Subsection 2 of section 11 of *The Used Car Dealers Act, 1964* is amended by striking out "Attorney General" in the sixth line and inserting in lieu thereof "Minister".

1964,
c. 121, s. 11,
subs. 6,
amended

(2) Subsection 6 of the said section 11 is amended by striking out "Attorney General" in the first line and inserting in lieu thereof "Minister".

1964,
c. 121, s. 12,
amended

6. Section 12 of *The Used Car Dealers Act, 1964* is amended by striking out "Attorney General" in the tenth line and inserting in lieu thereof "Minister".

1964,
c. 121, s. 13,
amended

7. Section 13 of *The Used Car Dealers Act, 1964* is amended by striking out "Attorney General" in the first and second lines and inserting in lieu thereof "Minister".

1964,
c. 121, s. 17,
subs. 4,
amended

8. Subsection 4 of section 17 of *The Used Car Dealers Act, 1964* is amended by striking out "Attorney General" in the first line and inserting in lieu thereof "Minister".

1964,
c. 121, s. 19,
subs. 3,
amended

9. Subsection 3 of section 19 of *The Used Car Dealers Act, 1964* is amended by striking out "Attorney General" in the second line and inserting in lieu thereof "Minister".

1964,
c. 121, s. 21,
amended

10. Section 21 of *The Used Car Dealers Act, 1964*, as amended by section 2 of *The Used Car Dealers Amendment Act, 1965*, is further amended by adding thereto the following clauses:

(fa) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;

(fb) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Used Car Dealers Amendment Act, 1967*.

SECTIONS 5 to 9. Complementary to section 1 of the Bill.

SECTION 10. The authority to make regulations is expanded to require disclosure of the history of prescribed classes of used cars and to prohibit or require disclosure of alterations to used cars or parts thereof.



An Act to amend
The Used Car Dealers Act, 1964

1st Reading

March 14th, 1967

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 52

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Used Car Dealers Act, 1964

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendment substitutes the Minister of Financial and Commercial Affairs for the Attorney General, in line with the change in the administration of the Act.

SECTION 2. Self-explanatory.

SECTION 3. Complementary to section 1 of the Bill.

SECTION 4. The clauses added require additional information to be provided to the Registrar by used car dealers.

BILL 52

1967

An Act to amend The Used Car Dealers Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Used Car Dealers Act, 1964* is amended by striking out “the Attorney General” in the second and third lines and inserting in lieu thereof “Financial and Commercial Affairs”. 1964,
c. 121, s. 1,
cl. a,
amended

(2) The said section 1 is amended by adding thereto the following clause: 1964,
c. 121, s. 1,
amended

(aa) “Minister” means the Minister of Financial and Commercial Affairs.

2. Section 3 of *The Used Car Dealers Act, 1964* is amended by adding thereto the following subsection: 1964,
c. 121, s. 3,
amended

(3) A used car dealer shall not retain the services of a salesman who is not registered under this Act. Dealer to
ensure
salesmen
registered

3. Subsection 1 of section 6 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first line and inserting in lieu thereof “Minister”. 1964,
c. 121, s. 6,
subs. 1,
amended

4. Subsection 2 of section 9 of *The Used Car Dealers Act, 1964* is amended by striking out “and” at the end of clause *b* and by adding thereto the following clauses: 1964,
c. 121, s. 9,
subs. 2,
amended

(d) any change in the name under which the dealer carries on business; and

(e) any change in the person or persons having actual or effective control of the business of the registered dealer.

1964,
c. 121, s. 11,
subs. 2,
amended **5.**—(1) Subsection 2 of section 11 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first line and in the sixth line and inserting in lieu thereof in each instance “Minister”.

1964,
c. 121, s. 11,
subs. 6,
amended (2) Subsection 6 of the said section 11 is amended by striking out “Attorney General” in the first line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 12,
amended **6.** Section 12 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the tenth line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 13,
amended **7.** Section 13 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first and second lines and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 17,
subs. 4,
amended **8.** Subsection 4 of section 17 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 19,
subs. 3,
amended **9.** Subsection 3 of section 19 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the second line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 21,
amended **10.** Section 21 of *The Used Car Dealers Act, 1964*, as amended by section 2 of *The Used Car Dealers Amendment Act, 1965*, is further amended by adding thereto the following clauses:

(fa) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;

(fb) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited.

Commence-
ment **11.** This Act comes into force on the day it receives Royal Assent.

Short title **12.** This Act may be cited as *The Used Car Dealers Amendment Act, 1967*.

SECTIONS 5 to 9. Complementary to section 1 of the Bill.

SECTION 10. The authority to make regulations is expanded to require disclosure of the history of prescribed classes of used cars and to prohibit or require disclosure of alterations to used cars or parts thereof.

AN ACT to amend
The Used Car Dealers Act, 1964

1st Reading

March 14th, 1967

2nd Reading

March 17th, 1967

3rd Reading

MR. ROWNTREE

(Reprinted as amended by the
Committee of the Whole House)

BILL 52

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Used Car Dealers Act, 1964

MR. ROWNTREE

BILL 52

1967

An Act to amend The Used Car Dealers Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Used Car Dealers Act, 1964* is amended by striking out “the Attorney General” in the second and third lines and inserting in lieu thereof “Financial and Commercial Affairs”. ^{1964, c. 121, s. 1, cl. a, amended}

(2) The said section 1 is amended by adding thereto the following clause: ^{1964, c. 121, s. 1, amended}

(aa) “Minister” means the Minister of Financial and Commercial Affairs.

2. Section 3 of *The Used Car Dealers Act, 1964* is amended by adding thereto the following subsection: ^{1964, c. 121, s. 3, amended}

(3) A used car dealer shall not retain the services of a salesman who is not registered under this Act. ^{Dealer to ensure salesmen registered}

3. Subsection 1 of section 6 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first line and inserting in lieu thereof “Minister”. ^{1964, c. 121, s. 6, subs. 1, amended}

4. Subsection 2 of section 9 of *The Used Car Dealers Act, 1964* is amended by striking out “and” at the end of clause *b* and by adding thereto the following clauses: ^{1964, c. 121, s. 9, subs. 2, amended}

(d) any change in the name under which the dealer carries on business; and

(e) any change in the person or persons having actual or effective control of the business of the registered dealer.

1964,
c. 121, s. 11,
subs. 2,
amended

5.—(1) Subsection 2 of section 11 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first line and in the sixth line and inserting in lieu thereof in each instance “Minister”.

1964,
c. 121, s. 11,
subs. 6,
amended

(2) Subsection 6 of the said section 11 is amended by striking out “Attorney General” in the first line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 12,
amended

6. Section 12 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the tenth line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 13,
amended

7. Section 13 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first and second lines and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 17,
subs. 4,
amended

8. Subsection 4 of section 17 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the first line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 19,
subs. 3,
amended

9. Subsection 3 of section 19 of *The Used Car Dealers Act, 1964* is amended by striking out “Attorney General” in the second line and inserting in lieu thereof “Minister”.

1964,
c. 121, s. 21,
amended

10. Section 21 of *The Used Car Dealers Act, 1964*, as amended by section 2 of *The Used Car Dealers Amendment Act, 1965*, is further amended by adding thereto the following clauses:

(fa) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;

(fb) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Used Car Dealers Amendment Act, 1967*.

An Act to amend
The Used Car Dealers Act, 1964

1st Reading

March 14th, 1967

2nd Reading

March 17th, 1967

3rd Reading

March 22nd, 1967

MR. ROWNTREE

BILL 53

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Loan and Trust Corporations Act

MR. ROWNTREE

EXPLANATORY NOTE

The purpose of this Bill is to require that the auditors of loan corporations and trust companies registered under the Act be acceptable to the Registrar appointed under the Act.

BILL 53

1967

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 1,
cl. *a*,
re-enacted

- (a) "accountant" means a person who is a member of The Canadian Institute of Chartered Accountants or any other person who is an accountant and who, in either case, is acceptable to the Registrar as being competent to audit the accounts and transactions of corporations under this Act.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1967*. Short title

An Act to amend
The Loan and Trust Corporations Act

1st Reading

March 14th, 1967

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 53

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Loan and Trust Corporations Act

MR. ROWNTREE

BILL 53

1967

**An Act to amend
The Loan and Trust Corporations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 1,
cl. *a*,
re-enacted

(a) "accountant" means a person who is a member of The Canadian Institute of Chartered Accountants or any other person who is an accountant and who, in either case, is acceptable to the Registrar as being competent to audit the accounts and transactions of corporations under this Act.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1967*. Short title

An Act to amend
The Loan and Trust Corporations Act

1st Reading

March 14th, 1967

2nd Reading

March 17th, 1967

3rd Reading

March 22nd, 1967

MR. ROWNTREE

BILL 54

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Securities Act, 1966

MR. ROWNTREE

EXPLANATORY NOTE

The purpose of this Bill is to authorize the Ontario Securities Commission to exercise greater control over the sale to the public of securities of finance companies.

An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 61 of *The Securities Act, 1966* is amended by striking out “or” at the end of clause *d*, ^{1966, c. 142, s. 61, subs. 1, amended} by adding “or” at the end of clause *e* and by adding thereto the following clause:

(f) in the case of a prospectus filed by a finance company,

(i) the plan of distribution of the securities offered is not acceptable to the Director,

(ii) the securities offered are not secured in such manner, on such terms and by such means as are required by the regulations, or

(iii) such finance company does not meet such financial and other requirements and conditions as are specified in the regulations.

(2) The said section 61 is amended by adding thereto the following subsection: ^{1966, c. 142, s. 61, amended}

(3) The Lieutenant Governor in Council may make such Regulations regulations as he considers necessary or appropriate in the public interest pertaining to the matters referred to in clause *f* of subsection 1 and, without limiting the generality of the foregoing, pertaining to requirements as to paid up capital and surplus, liquidity of assets, ratios of debt to paid up capital and surplus, audit procedures, the furnishing of interim financial statements, the provisions of trust indentures and the qualifications, rights, duties and obligations of trustees thereunder.

1966,
c. 142,
amended

2. *The Securities Act, 1966* is amended by adding thereto the following section:

Additional
information,
finance
companies

62a.—(1) While primary distribution to the public of the securities to which the prospectus of a finance company relates is in progress, the Director may from time to time require the finance company to furnish to him a statement of source and application of funds or of cash receipts and disbursements in such form and for such period or periods as he may specify and such other information as may enable the Director to satisfy himself that,

- (i) the securities are being distributed in a manner acceptable to him,
- (ii) the securities are secured in such manner, on such terms and by such means as are required by the regulations, and
- (iii) as at such date as may be acceptable to the Director the finance company met such financial and other requirements and conditions as are specified in the regulations.

Orders to
cease
trading

- (2) Where the Director reports to the Commission that he is not satisfied with any statement or as to any matter referred to in subsection 1, the Commission may order that all trading in the primary distribution to the public of the securities to which the prospectus of the finance company relates shall cease and in any such case subsections 2 and 3 of section 62 apply as if the order were made under that section.

1966,
c. 142,
s. 144,
cl. a,
re-enacted

3. Clause *a* of section 144 of *The Securities Act, 1966* is repealed and the following substituted therefor:

- (a) prescribing categories for companies and the manner of allocating companies to categories, and prescribing the form and content of prospectuses and statements of material facts to be filed with the Commission by companies in accordance with their categories.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Securities Amendment Act, 1967*.

BILL 54

1967

An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 61 of *The Securities Act*, 1966, c. 142, s. 61, is amended by striking out “or” at the end of clause *d*, subs. 1, by adding “or” at the end of clause *e* and by adding thereto the following clause:

(f) in the case of a prospectus filed by a finance company,

(i) the plan of distribution of the securities offered is not acceptable to the Director,

(ii) the securities offered are not secured in such manner, on such terms and by such means as are required by the regulations, or

(iii) such finance company does not meet such financial and other requirements and conditions as are specified in the regulations.

(2) The said section 61 is amended by adding thereto the following subsection:

(3) The Lieutenant Governor in Council may make such Regulations regulations as he considers necessary or appropriate in the public interest pertaining to the matters referred to in clause *f* of subsection 1 and, without limiting the generality of the foregoing, pertaining to requirements as to paid up capital and surplus, liquidity of assets, ratios of debt to paid up capital and surplus, audit procedures, the furnishing of interim financial statements, the provisions of trust indentures and the qualifications, rights, duties and obligations of trustees thereunder.

1966,
c. 142,
amended

2. *The Securities Act, 1966* is amended by adding thereto the following section:

Additional
information,
finance
companies

62a.—(1) While primary distribution to the public of the securities to which the prospectus of a finance company relates is in progress, the Director may from time to time require the finance company to furnish to him a statement of source and application of funds or of cash receipts and disbursements in such form and for such period or periods as he may specify and such other information as may enable the Director to satisfy himself that,

- (i) the securities are being distributed in a manner acceptable to him,
- (ii) the securities are secured in such manner, on such terms and by such means as are required by the regulations, and
- (iii) as at such date as may be acceptable to the Director the finance company met such financial and other requirements and conditions as are specified in the regulations.

Orders to
cease
trading

- (2) Where the Director reports to the Commission that he is not satisfied with any statement or as to any matter referred to in subsection 1, the Commission may order that all trading in the primary distribution to the public of the securities to which the prospectus of the finance company relates shall cease and in any such case subsections 2 and 3 of section 62 apply as if the order were made under that section.

1966,
c. 142,
s. 144,
cl. a,
re-enacted

3. Clause *a* of section 144 of *The Securities Act, 1966* is repealed and the following substituted therefor:

- (a) prescribing categories for companies and the manner of allocating companies to categories, and prescribing the form and content of prospectuses and statements of material facts to be filed with the Commission by companies in accordance with their categories.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Securities Amendment Act, 1967*.

An Act to amend
The Securities Act, 1966

1st Reading

March 14th, 1967

2nd Reading

March 20th, 1967

3rd Reading

March 22nd, 1967

MR. ROWNTREE

BILL 55

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The General Welfare Assistance Act

MR. YAREMKO

EXPLANATORY NOTE

The purpose of this Bill is to bring *The General Welfare Assistance Act* into line with the requirements of the Canada Assistance Plan.

BILL 55

1967

An Act to amend The General Welfare Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 164, s. 1,
cl. *a*,
re-enacted

(a) "applicant" means a person who applies or on whose behalf an application is made for assistance.

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1960,
c. 164, s. 1,
amended

(aa) "assistance" means assistance of a class provided under this Act and the regulations;

(da) "municipality" means a city, separated town, town, village, township or improvement district, and, where the council of a county has appointed a municipal welfare administrator under subsection 3 of section 5, means the county together with any municipality that forms part of the county for the purpose of the administration of assistance;

(db) "recipient" means a person to whom assistance is provided.

2. Section 2 of *The General Welfare Assistance Act* is repealed. R.S.O. 1960,
c. 164, s. 2,
repealed

3. Section 5 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 164, s. 5,
re-enacted

Appoint-
ment of
municipal
welfare
adminis-
trator

Duties of
municipal
welfare
adminis-
trator

County
adminis-
tration

Idem

R.S.O. 1960,
c. 164, s. 7
(1962-63,
c. 53, s. 4),
re-enacted

Duty of
municipal-
ities to provide
assistance

Idem

R.S.O. 1960,
c. 164, s. 7a
(1962-63,
c. 53, s. 4),
subs. 1,
re-enacted

5.—(1) The council of a municipality may, with the approval of the Minister, appoint a municipal welfare administrator.

(2) The municipal welfare administrator shall receive applications for assistance and shall determine the eligibility of each applicant for assistance, and, where the applicant is eligible, shall determine the amount of the assistance and direct provision thereof, and he may from time to time vary any amount so determined.

(3) Instead of the municipalities that are within a county for municipal purposes administering assistance independently of one another, the council of the county may, with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in all such municipalities, except that any such municipality that has a population of more than 5,000 according to its last revised assessment roll may, by agreement with the county and with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in that municipality independently of the county.

(4) Any municipality within a county but not forming part of the county for municipal purposes may, with the approval of the council of the county and the Minister, form part of the county for the purpose of the administration of assistance.

4. Section 7 of *The General Welfare Assistance Act*, as re-enacted by section 4 of *The General Welfare Assistance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

7.—(1) Subject to section 7a, a municipality shall provide assistance in accordance with the regulations to any person in need who resides in the municipality and who is eligible for such assistance.

(2) Subject to section 7a, a municipality may provide assistance in accordance with the regulations to any other person who resides in the municipality and who is eligible for such assistance.

5. Subsection 1 of section 7a of *The General Welfare Assistance Act*, as enacted by section 4 of *The General Welfare Assistance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(1) The Province,

Duty of
Province
to provide
assistance

- (a) shall provide assistance in accordance with the regulations to any person in need who resides in territory without municipal organization and who is eligible for such assistance; and

- (b) may provide assistance to such other eligible persons in need as the regulations prescribe.

6. *The General Welfare Assistance Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 164, amended

- 7b.—(1) There may be paid to any class of municipality prescribed by the regulations out of moneys appropriated therefor by the Legislature grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe. Provincial grants and subsidies to municipalities

- (2) There may be paid to any class of municipality prescribed by the regulations and to district welfare administration boards established under *The District Welfare Administration Boards Act, 1962-63* out of moneys appropriated therefor by the Legislature subsidies for the costs of the administration of welfare services as defined in that Act, or of assistance, as the case may be, in such amounts and under such conditions as the regulations prescribe. Provincial subsidies for costs of administration 1962-63, c. 37

- 7c. Subject to cases of emergency as provided for in the regulations, assistance shall be provided only after the receipt by the municipal welfare administrator or the regional welfare administrator, as the case may be, of an application therefor in the prescribed form. Applications in prescribed form required

7.—(1) Clause *a* of section 9 of *The General Welfare Assistance Act* is amended by striking out "thereof" in the third line and inserting in lieu thereof "or cost thereof and providing for contributions to or reimbursement of sums expended therefor and prescribing the maximum amounts or percentages thereof", so that the clause shall read as follows: R.S.O. 1960, c. 164, s. 9, cl. a, amended

- (a) prescribing classes of assistance and the items to be included in any such class and the manner of computing the amount or cost thereof and providing for contributions to or reimbursement of sums expended therefor and prescribing the maximum amounts or percentages thereof.

R.S.O. 1960,
c. 164, s. 9,
cl. c,
amended

(2) Clause *c* of the said section 9 is amended by striking out "pay" in the second line and inserting in lieu thereof "provide", so that the clause shall read as follows:

(c) defining residence for the purposes of establishing eligibility for assistance, liability to provide assistance, a right to a contribution to the cost of assistance or a right to reimbursement of the whole or any part of the cost of assistance, or for any other purposes of this Act and prescribing the circumstances in which any such definition is applicable.

R.S.O. 1960,
c. 164, s. 9,
cl. d
(1962-63,
c. 53, s. 5),
amended

(3) Clause *d* of the said section 9, as re-enacted by section 5 of *The General Welfare Assistance Amendment Act, 1962-63*, is amended by striking out "pay" in the third line and inserting in lieu thereof "provide", so that the clause shall read as follows:

(d) supplementing the liabilities mentioned in section 7 or 7a, prescribing the circumstances under which there is a liability to provide assistance, a right to a contribution or a right to reimbursement and providing procedures therefor and for determining the maximum amounts or percentages thereof.

R.S.O. 1960,
c. 164, s. 9,
cl. j,
amended

(4) Clause *j* of the said section 9 is amended by striking out "paid" in the third line and inserting in lieu thereof "provided or while assistance is being provided", so that the clause shall read as follows:

(j) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is provided or while assistance is being provided.

R.S.O. 1960,
c. 164, s. 9,
cl. k,
re-enacted

(5) Clause *k* of the said section 9 is repealed and the following substituted therefor:

(k) prescribing the manner in which and the intervals at which assistance is to be provided.

R.S.O. 1960,
c. 164, s. 9,
amended

(6) The said section 9 is amended by adding thereto the following clauses:

(ba) defining persons in need or prescribing classes of such persons;

(da) prescribing classes of municipalities to which grants or subsidies may be paid by the Province;

(db) prescribing classes of grants and subsidies from the Province, the methods of determining the amounts of any grant or subsidy, providing for the manner in which and the intervals at which payments shall be made, for the suspension or withholding of the grants and subsidies or any part thereof and for making any deductions from any such grant or subsidy;

(ia) providing for the making of investigations for the purposes of the Act of applicants for or recipients of assistance.

8.—(1) Subsection 4 of section 10 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 164, s. 10, subs. 4, re-enacted

(4) The council of a band that is approved for the purposes of this Act shall provide, in accordance with the regulations, assistance to the members thereof who are persons in need and who reside on the reserve of the band and who are eligible for assistance and may provide assistance to other persons in need who reside on the reserve and who are eligible for assistance if the council of the band approves the provision of assistance to such persons. Duty of council of bands to provide assistance

(2) The said section 10 is amended by adding thereto the following subsection: R.S.O. 1960, c. 164, s. 10, amended

(7) There may be paid to the council of a band that is approved for the purposes of this Act, out of moneys appropriated therefor by the Legislature, grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe. Provincial grants and subsidies to councils of bands

9. Section 11 of *The General Welfare Assistance Act*, as amended by section 6 of *The General Welfare Assistance Amendment Act, 1962-63*, is repealed. R.S.O. 1960, c. 164, s. 11, repealed

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The General Welfare Assistance Amendment Act, 1967*. Short title

1st Reading

March 15th, 1967

2nd Reading

3rd Reading

MR. YAREMKO

BILL 55

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The General Welfare Assistance Act

MR. YAREMKO

BILL 55

1967

An Act to amend The General Welfare Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 164, s. 1,
cl. a,
re-enacted

(a) “applicant” means a person who applies or on whose behalf an application is made for assistance.

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1960,
c. 164, s. 1,
amended

(aa) “assistance” means assistance of a class provided under this Act and the regulations;

(da) “municipality” means a city, separated town, town, village, township or improvement district, and, where the council of a county has appointed a municipal welfare administrator under subsection 3 of section 5, means the county together with any municipality that forms part of the county for the purpose of the administration of assistance;

(db) “recipient” means a person to whom assistance is provided.

2. Section 2 of *The General Welfare Assistance Act* is repealed. R.S.O. 1960,
c. 164, s. 2,
repealed

3. Section 5 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 164, s. 5,
re-enacted

Appointment of
municipal
welfare
adminis-
trator

Duties of
municipal
welfare
adminis-
trator

County
adminis-
tration

Idem

R.S.O. 1960,
c. 164, s. 7
(1962-63,
c. 53, s. 4),
re-enacted

Duty of
municipal-
ities
to provide
assistance

Idem

R.S.O. 1960,
c. 164, s. 7a
(1962-63,
c. 53, s. 4),
subs. 1,
re-enacted

5.—(1) The council of a municipality may, with the approval of the Minister, appoint a municipal welfare administrator.

(2) The municipal welfare administrator shall receive applications for assistance and shall determine the eligibility of each applicant for assistance, and, where the applicant is eligible, shall determine the amount of the assistance and direct provision thereof, and he may from time to time vary any amount so determined.

(3) Instead of the municipalities that are within a county for municipal purposes administering assistance independently of one another, the council of the county may, with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in all such municipalities, except that any such municipality that has a population of more than 5,000 according to its last revised assessment roll may, by agreement with the county and with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in that municipality independently of the county.

(4) Any municipality within a county but not forming part of the county for municipal purposes may, with the approval of the council of the county and the Minister, form part of the county for the purpose of the administration of assistance.

4. Section 7 of *The General Welfare Assistance Act*, as re-enacted by section 4 of *The General Welfare Assistance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

7.—(1) Subject to section 7a, a municipality shall provide assistance in accordance with the regulations to any person in need who resides in the municipality and who is eligible for such assistance.

(2) Subject to section 7a, a municipality may provide assistance in accordance with the regulations to any other person who resides in the municipality and who is eligible for such assistance.

5. Subsection 1 of section 7a of *The General Welfare Assistance Act*, as enacted by section 4 of *The General Welfare Assistance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(1) The Province,

Duty of
Province
to provide
assistance

(a) shall provide assistance in accordance with the regulations to any person in need who resides in territory without municipal organization and who is eligible for such assistance; and

(b) may provide assistance to such other eligible persons in need as the regulations prescribe.

6. *The General Welfare Assistance Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 164,
amended

7b.—(1) There may be paid to any class of municipality prescribed by the regulations out of moneys appropriated therefor by the Legislature grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe. Provincial
grants and
subsidies to
municipalities

(2) There may be paid to any class of municipality prescribed by the regulations and to district welfare administration boards established under *The District Welfare Administration Boards Act, 1962-63* out of moneys appropriated therefor by the Legislature subsidies for the costs of the administration of welfare services as defined in that Act, or of assistance, as the case may be, in such amounts and under such conditions as the regulations prescribe. Provincial
subsidies for
costs of
adminis-
tration
1962-63,
c. 37

7c. Subject to cases of emergency as provided for in the regulations, assistance shall be provided only after the receipt by the municipal welfare administrator or the regional welfare administrator, as the case may be, of an application therefor in the prescribed form. Applications
in pre-
scribed form
required

7.—(1) Clause *a* of section 9 of *The General Welfare Assistance Act* is amended by striking out "thereof" in the third line and inserting in lieu thereof "or cost thereof and providing for contributions to or reimbursement of sums expended therefor and prescribing the maximum amounts or percentages thereof", so that the clause shall read as follows: R.S.O. 1960,
c. 164, s. 9,
cl. a,
amended

(a) prescribing classes of assistance and the items to be included in any such class and the manner of computing the amount or cost thereof and providing for contributions to or reimbursement of sums expended therefor and prescribing the maximum amounts or percentages thereof.

R.S.O. 1960,
c. 164, s. 9,
cl. c,
amended

(2) Clause *c* of the said section 9 is amended by striking out "pay" in the second line and inserting in lieu thereof "provide", so that the clause shall read as follows:

(c) defining residence for the purposes of establishing eligibility for assistance, liability to provide assistance, a right to a contribution to the cost of assistance or a right to reimbursement of the whole or any part of the cost of assistance, or for any other purposes of this Act and prescribing the circumstances in which any such definition is applicable.

R.S.O. 1960,
c. 164, s. 9,
cl. d
(1962-63,
c. 53, s. 5),
amended

(3) Clause *d* of the said section 9, as re-enacted by section 5 of *The General Welfare Assistance Amendment Act, 1962-63*, is amended by striking out "pay" in the third line and inserting in lieu thereof "provide", so that the clause shall read as follows:

(d) supplementing the liabilities mentioned in section 7 or 7a, prescribing the circumstances under which there is a liability to provide assistance, a right to a contribution or a right to reimbursement and providing procedures therefor and for determining the maximum amounts or percentages thereof.

R.S.O. 1960,
c. 164, s. 9,
cl. j,
amended

(4) Clause *j* of the said section 9 is amended by striking out "paid" in the third line and inserting in lieu thereof "provided or while assistance is being provided", so that the clause shall read as follows:

(j) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is provided or while assistance is being provided.

R.S.O. 1960,
c. 164, s. 9,
cl. k,
re-enacted

(5) Clause *k* of the said section 9 is repealed and the following substituted therefor:

(k) prescribing the manner in which and the intervals at which assistance is to be provided.

R.S.O. 1960,
c. 164, s. 9,
amended

(6) The said section 9 is amended by adding thereto the following clauses:

(ba) defining persons in need or prescribing classes of such persons;

(da) prescribing classes of municipalities to which grants or subsidies may be paid by the Province;

(db) prescribing classes of grants and subsidies from the Province, the methods of determining the amounts of any grant or subsidy, providing for the manner in which and the intervals at which payments shall be made, for the suspension or withholding of the grants and subsidies or any part thereof and for making any deductions from any such grant or subsidy;

(ia) providing for the making of investigations for the purposes of the Act of applicants for or recipients of assistance.

8.—(1) Subsection 4 of section 10 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 164, s. 10,
subs. 4,
re-enacted

(4) The council of a band that is approved for the purposes of this Act shall provide, in accordance with the regulations, assistance to the members thereof who are persons in need and who reside on the reserve of the band and who are eligible for assistance and may provide assistance to other persons in need who reside on the reserve and who are eligible for assistance if the council of the band approves the provision of assistance to such persons. Duty of
council of
bands to
provide
assistance

(2) The said section 10 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 164, s. 10,
amended

(7) There may be paid to the council of a band that is approved for the purposes of this Act, out of moneys appropriated therefor by the Legislature, grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe. Provincial
grants and
subsidies
to councils
of bands

9. Section 11 of *The General Welfare Assistance Act*, as amended by section 6 of *The General Welfare Assistance Amendment Act, 1962-63*, is repealed. R.S.O. 1960,
c. 164, s. 11,
repealed

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment

11. This Act may be cited as *The General Welfare Assistance Amendment Act, 1967*. Short title

An Act to amend
The General Welfare Assistance Act

1st Reading

March 15th, 1967

2nd Reading

March 20th, 1967

3rd Reading

March 22nd, 1967

MR. YAREMKO

BILL 56

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Retail Sales Tax Act, 1960-61

MR. MACNAUGHTON

EXPLANATORY NOTES

SECTION 1. As re-enacted, the provision continues to permit a purchaser to pay the tax imposed by this Act on the difference between the value of the property sold and credit allowed on a trade-in, but limits its use to cases where the trade-in is also subject to tax under this Act.

SECTION 2—Subsection 1. The contents of paragraphs 12 and 13 are combined in the new paragraph 12 which will authorize the Treasurer to define "farm machinery", etc., and to restrict the exemption from the tax to "farm machinery", etc., that will be used in farming.

Subsections 2, 3 and 4. The exemptions previously allowed in paragraphs 38, 39 and 40 are now being extended to manufacturers who manufacture goods for their own use. The tax will be charged on the final article manufactured or produced.

BILL 56

1967

**An Act to amend
The Retail Sales Tax Act, 1960-61**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 2 of *The Retail Sales Tax Act*, 1960-61, as amended by subsection 2 of section 1 of *The Retail Sales Tax Amendment Act, 1965*, is repealed and the following substituted therefor:

- (9) Where tangible personal property subject to tax under this Act is accepted at the time of sale by a person or a vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade.

2.—(1) Paragraphs 12 and 13 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor:

12. farm implements, farm machinery, farm equipment and repair parts, as defined by the Treasurer, that in his opinion are to be used by a person engaged in the business of farming.

(2) Paragraph 38 of the said section 5, as enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by adding at the end thereof "or use", so that the paragraph shall read as follows:

38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale or use.

1960-61,
c. 91, s. 5,
par. 39
(1961-62,
c. 126, s. 3,
subs. 4),
amended

(3) Paragraph 39 of the said section 5, as enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by adding at the end thereof "or use", so that the paragraph shall read as follows:

39. materials, as defined by the Treasurer, that in his opinion are to be consumed or expended by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale or use.

1960-61,
c. 91, s. 5,
par. 40,
amended

(4) Paragraph 40 of the said section 5 is amended by adding at the end thereof "or use", so that the paragraph shall read as follows:

40. tangible personal property purchased for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, tangible personal property for the purpose of sale or use.

1960-61,
c. 91, s. 5,
par. 46
(1961-62,
c. 126, s. 3,
subs. 7),
re-enacted

(5) Paragraph 46 of the said section 5, as re-enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes and that contain no advertising, but not directories, price lists, time tables, rate books, catalogues, reports, fashion books, albums, or any books of the same general classes.

1960-61,
c. 91, s. 5,
amended

(6) The said section 5, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, section 2 of *The Retail Sales Tax Amendment Act, 1962-63*, section 4 of *The Retail Sales Tax Amendment Act, 1964*, section 2 of *The Retail Sales Tax Amendment Act, 1965* and section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by adding thereto the following paragraph:

67. tangible personal property situated on a reserve, as defined by the *Indian Act* (Canada), when purchased by an Indian, and tangible personal property purchased by an Indian off the reserve when delivered to the reserve for consumption or use by an Indian.

R.S.C. 1952,
c. 149

1960-61,
c. 91, s. 25,
subs. 1,
cl. a,
re-enacted

3. Clause *a* of subsection 1 of section 25 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Subsection 5. The intent is clarified. No change in principle.

Subsection 6. The *Indian Act* (Canada) provides that the personal property of an Indian situated on a reserve is exempt from Federal taxation.

This new paragraph applies a similar principle in respect of the provincial retail sales tax.

SECTION 3. The effect of this amendment will be a 5 per cent penalty not only on the tax collectable and not remitted but also on the tax payable by a vendor as a result of consumption for his own use.

- (a) an amount equal to 5 per cent of the tax that was collectable and of the tax that was payable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and

4. This Act comes into force on the 1st day of April, 1967. Commence-
ment

5. This Act may be cited as *The Retail Sales Tax Amendment Act, 1967*. Short title

An Act to amend
The Retail Sales Tax Act, 1960-61

1st Reading

March 15th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 56

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Retail Sales Tax Act, 1960-61

MR. MACNAUGHTON

BILL 56

1967

An Act to amend The Retail Sales Tax Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 2 of *The Retail Sales Tax Act, 1960-61*, as amended by subsection 2 of section 1 of *The Retail Sales Tax Amendment Act, 1965*, is repealed and the following substituted therefor:

- (9) Where tangible personal property subject to tax under this Act is accepted at the time of sale by a person or a vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade.

2.—(1) Paragraphs 12 and 13 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor:

12. farm implements, farm machinery, farm equipment and repair parts, as defined by the Treasurer, that in his opinion are to be used by a person engaged in the business of farming.

(2) Paragraph 38 of the said section 5, as enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by adding at the end thereof "or use", so that the paragraph shall read as follows:

38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale or use.

1960-61,
c. 91, s. 5,
par. 39
(1961-62,
c. 126, s. 3,
subs. 4),
amended

(3) Paragraph 39 of the said section 5, as enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by adding at the end thereof "or use", so that the paragraph shall read as follows:

39. materials, as defined by the Treasurer, that in his opinion are to be consumed or expended by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale or use.

1960-61,
c. 91, s. 5,
par. 40,
amended

(4) Paragraph 40 of the said section 5 is amended by adding at the end thereof "or use", so that the paragraph shall read as follows:

40. tangible personal property purchased for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, tangible personal property for the purpose of sale or use.

1960-61,
c. 91, s. 5,
par. 46
(1961-62,
c. 126, s. 3,
subs. 7),
re-enacted

(5) Paragraph 46 of the said section 5, as re-enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes and that contain no advertising, but not directories, price lists, time tables, rate books, catalogues, reports, fashion books, albums, or any books of the same general classes.

1960-61,
c. 91, s. 5,
amended

(6) The said section 5, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, section 2 of *The Retail Sales Tax Amendment Act, 1962-63*, section 4 of *The Retail Sales Tax Amendment Act, 1964*, section 2 of *The Retail Sales Tax Amendment Act, 1965* and section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by adding thereto the following paragraph:

67. tangible personal property situated on a reserve, as defined by the *Indian Act* (Canada), when purchased by an Indian, and tangible personal property purchased by an Indian off the reserve when delivered to the reserve for consumption or use by an Indian.

R.S.C. 1952,
c. 149

1960-61,
c. 91, s. 25,
subs. 1,
cl. a,
re-enacted

3. Clause a of subsection 1 of section 25 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

- (a) an amount equal to 5 per cent of the tax that was collectable and of the tax that was payable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and

4. This Act comes into force on the 1st day of April, 1967. ^{Commence-}
^{ment}
5. This Act may be cited as *The Retail Sales Tax Amend-* ^{Short title}
ment Act, 1967.

An Act to amend
The Retail Sales Tax Act, 1960-61

1st Reading

March 15th, 1967

2nd Reading

March 17th, 1967

3rd Reading

March 22nd, 1967

MR. MACNAUGHTON

BILL 57

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Live Stock and Live Stock Products Act

MR. STEWART

EXPLANATORY NOTE

The Bill authorizes the Lieutenant Governor in Council to make regulations for the matters described in the new clause.

BILL 57

1967

An Act to amend The Live Stock and Live Stock Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Live Stock and Live Stock Products Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 219, s. 6,
subs. 1,
amended

(na) regulating the production and sale of poultry and of eggs for the production of poultry.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Live Stock and Live Stock Products Amendment Act, 1967*. Short title

An Act to amend The Live Stock
and Live Stock Products Act

1st Reading

March 15th, 1967

2nd Reading

3rd Reading

MR. STEWART

BILL 57

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Live Stock and Live Stock Products Act

MR. STEWART

BILL 57

1967

An Act to amend The Live Stock and Live Stock Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Live Stock and Live Stock Products Act* is amended by adding thereto the following <sup>R.S.O. 1960,
c. 219, s. 6,
subs. 1,
amended</sup> clause:

(na) regulating the production and sale of poultry and of eggs for the production of poultry.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Live Stock and Live Stock Products Amendment Act, 1967*. ^{Short title}

An Act to amend The Live Stock
and Live Stock Products Act

1st Reading

March 15th, 1967

2nd Reading

March 21st, 1967

3rd Reading

March 22nd, 1967

MR. STEWART

BILL 58

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Live Stock Community Sales Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1. The Act is extended to include goats sold by public auction.

SECTION 2. The present clause excludes the sale of feeder cattle from the application of the Act. The amendment eliminates the exclusion of feeder cattle but excludes the sale of all cattle sold by a co-operative having the characteristics set out in the new clause.

An Act to amend The Live Stock Community Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Live Stock Community Sales Act* is amended by inserting after "cattle" in the first line "goats", so that the clause shall read as follows: R.S.O. 1960,
c. 221, s. 1,
cl. *e*,
amended

(*e*) "live stock" means cattle, goats, horses, sheep or swine, or the young thereof.

2. Clause *d* of section 2 of *The Live Stock Community Sales Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 221, s. 2,
cl. *d*,
re-enacted

(*d*) a sale of cattle by a co-operative corporation to which Part V of *The Corporations Act* applies where, R.S.O. 1960,
c. 71

(i) one of the objects of the corporation is to operate sales of cattle on a consignment basis,

(ii) at least three-quarters of the shareholders or members of the corporation are producers of cattle, and

(iii) the corporation operates not more than four sales in any calendar year.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

4. This Act may be cited as *The Live Stock Community Sales Amendment Act, 1967*. Short title

An Act to amend
The Live Stock Community Sales Act

1st Reading

March 15th, 1967

2nd Reading

3rd Reading

MR. STEWART

BILL 58

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Live Stock Community Sales Act

MR. STEWART

BILL 58

1967

An Act to amend The Live Stock Community Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Live Stock Community Sales Act* is amended by inserting after "cattle" in the first line "goats", so that the clause shall read as follows:

R.S.O. 1960,
c. 221, s. 1,
cl. *e*,
amended

(*e*) "live stock" means cattle, goats, horses, sheep or swine, or the young thereof.

2. Clause *d* of section 2 of *The Live Stock Community Sales Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 221, s. 2,
cl. *d*,
re-enacted

(*d*) a sale of cattle by a co-operative corporation to which Part V of *The Corporations Act* applies where,

R.S.O. 1960,
c. 71

(i) one of the objects of the corporation is to operate sales of cattle on a consignment basis,

(ii) at least three-quarters of the shareholders or members of the corporation are producers of cattle, and

(iii) the corporation operates not more than four sales in any calendar year.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

4. This Act may be cited as *The Live Stock Community Sales Amendment Act, 1967*.

Short title

1st Reading

March 15th, 1967

2nd Reading

March 21st, 1967

3rd Reading

March 22nd, 1967

MR. STEWART

BILL 59

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to insure Payments to Producers of Farm Products

MR. STEWART

EXPLANATORY NOTE

The Bill provides a system for creating funds for guaranteeing payment to producers of classes of live stock and milk products by purchasers and selling agents.

BILL 59 **1967**

**An Act to insure
Payments to Producers of Farm Products**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation

- (a) "board" means a board established under this Act;
- (b) "dealer" means a person engaged in the business of buying farm products from producers or in selling farm products on behalf of producers;
- (c) "farm product" means such animals, milk, cream or cheese or such classes thereof as are designated in the regulations;
- (d) "fund" means a fund established under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "producer" means a person who produces a farm product and includes such marketing boards under *The Milk Act, 1965* as are designated in the regulations; 1965, c. 72
- (g) "regulations" means regulations made under this Act.

2.—(1) The Lieutenant Governor in Council may establish Funds
and
boards a fund for any class of producers under this Act and, where a fund is established, shall constitute a board to administer the fund and designate the name by which the board shall be known.

(2) The Lieutenant Governor in Council may appoint the Appoint-
ments and
remunera-
tion members of a board and fix the remuneration of members who are not employed in the public service of Ontario.

Dissolution

(3) The Lieutenant Governor in Council may dissolve a board on such terms and conditions as he deems proper and may provide for the disposition of its assets and any fund administered by it.

Milk Commission may be a board

(4) The Lieutenant Governor in Council may designate The Milk Commission of Ontario under subsection 1 as a board constituted for the purposes of this Act and, when so designated, The Milk Commission of Ontario shall be deemed for the purposes of this Act other than subsections 5 and 6, to be a board constituted under subsection 1.

Incorporation

(5) Every board shall be a corporation without share capital responsible to the Minister.

R.S.O. 1960, c. 71 does not apply

(6) *The Corporations Act* does not apply to a board.

Officers and servants 1961-62, c. 121

(7) Such officers and servants may be appointed or transferred under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the affairs of boards.

Experts

(8) A board may engage persons other than those referred to in subsection 7 to provide professional, technical or other assistance to or on behalf of the board.

Immunity of members

(9) No member of a board or member of the staff thereof is personally liable for anything done by it or by him in good faith under the authority or purporting to be under the authority of this Act.

Application for payment from fund

3. Where a farm product is sold by or on behalf of a producer and,

(a) the dealer has not paid the producer the price of the farm product within fifteen days of the time the payment became due; or

(b) the whole or any part of the dealer's assets has been placed in the hands of a trustee for distribution under the *Bankruptcy Act* (Canada) or *The Bulk Sales Act*,

R.S.C. 1952, c. 14
R.S.O. 1960, c. 43

the producer may apply to the board that administers the fund for the farm product claiming payment from such fund.

Functions of a board

4.—(1) It is the function of a board and it has power;

(a) to administer its fund;

(b) to investigate all claims made to it under this Act and to determine the extent of their validity;

(c) to grant or refuse the payment of claims or any part thereof and determine the amounts and manner of payment;

(d) to recover any moneys to which it is entitled under this Act by suit in a court of competent jurisdiction or otherwise.

(2) Where a producer has received a payment from a fund and receives a payment from or on behalf of the dealer in full or partial satisfaction of the same debt for which payment from the fund was made, the producer shall pay to the board the lesser of, ^{Refund where payment received twice}

(a) the moneys that he received from or on behalf of the dealer; or

(b) the moneys that he received from the fund.

(3) Where an amount is paid out of a fund, the board administering the fund is subrogated for the amount of the payment to the right of the person to whom such amount is paid and may maintain an action in the name of the board or in the name of such person against any other person or persons to enforce such right. ^{Subrogation}

5.—(1) All moneys to which a board is entitled shall be paid into the fund administered by it. ^{Payments into fund}

(2) The expenses of a board, other than for the remuneration of its officers and servants who are employed in the public service of Ontario, shall be paid by the board out of the fund administered by it. ^{Payments out of fund}

(3) If, at any time, the amount standing to the credit of a fund is insufficient for the purpose of making payments for claims under this Act, the Lieutenant Governor in Council may authorize the Treasurer of Ontario to advance out of the Consolidated Revenue Fund to the board that administers the fund such sums as are necessary to meet the deficit on such terms and conditions as the Lieutenant Governor in Council directs. ^{Advances to funds}

(4) A board may pay into the Consolidated Revenue Fund any surplus moneys in its fund that are not necessary for the current requirements of the board, and section 24 of *The Financial Administration Act* applies thereto. ^{Surplus} ^{R.S.O. 1960, c. 142}

(5) The accounts and financial transactions of a board shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the board and to the Minister. ^{Audit}

Annual
report

6.— (1) Every board shall make an annual report of its affairs to the Minister.

Tabling

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.

Failure
to pay
fees

1965, c. 72

7. Failure to pay a fee prescribed in the regulations shall be grounds for the suspension or revocation of or refusal to issue or renew any licence under *The Milk Act, 1965*.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) designating farm products for the purposes of clause *c* of section 1;
- (b) designating marketing boards under *The Milk Act, 1965* as producers for the purposes of clause *f* of section 1;
- (c) exempting any class or classes of dealers from the application of this Act;
- (d) prescribing by-laws for regulating the government of boards and the conduct of their affairs, but any board may make by-laws not inconsistent with this Act or with the regulations;
- (e) requiring dealers to pay fees to a board and prescribing the amounts and the times and manner of payment thereof;
- (f) providing procedures for the determination and payment of claims including the grounds upon which a board may pay or refuse to pay claims;
- (g) limiting the amount that may be paid out of a fund,
 - (i) to any producer or class thereof, or
 - (ii) respecting any dealer or class thereof;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

10. This Act may be cited as *The Farm Products Payments* ^{Short title}
Act, 1967.

An Act to insure
Payments to Producers of Farm Products

1st Reading

March 15th, 1967

2nd Reading

3rd Reading

MR. STEWART

BILL 59

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to insure Payments to Producers of Farm Products

MR. STEWART

An Act to insure Payments to Producers of Farm Products

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a board established under this Act;
- (b) "dealer" means a person engaged in the business of buying farm products from producers or in selling farm products on behalf of producers;
- (c) "farm product" means such animals, milk, cream or cheese or such classes thereof as are designated in the regulations;
- (d) "fund" means a fund established under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "producer" means a person who produces a farm product and includes such marketing boards under *The Milk Act, 1965* as are designated in the regulations; 1965, c. 72
- (g) "regulations" means regulations made under this Act.

2.—(1) The Lieutenant Governor in Council may establish a fund for any class of producers under this Act and, where a fund is established, shall constitute a board to administer the fund and designate the name by which the board shall be known. Funds
and
boards

(2) The Lieutenant Governor in Council may appoint the members of a board and fix the remuneration of members who are not employed in the public service of Ontario. Appoint-
ments and
remunera-
tion

Dissolution

(3) The Lieutenant Governor in Council may dissolve a board on such terms and conditions as he deems proper and may provide for the disposition of its assets and any fund administered by it.

Milk Commission may be a board

(4) The Lieutenant Governor in Council may designate The Milk Commission of Ontario under subsection 1 as a board constituted for the purposes of this Act and, when so designated, The Milk Commission of Ontario shall be deemed for the purposes of this Act other than subsections 5 and 6, to be a board constituted under subsection 1.

Incorporation

(5) Every board shall be a corporation without share capital responsible to the Minister.

R.S.O. 1960, c. 71 does not apply

(6) *The Corporations Act* does not apply to a board.

Officers and servants 1961-62, c. 121

(7) Such officers and servants may be appointed or transferred under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the affairs of boards.

Experts

(8) A board may engage persons other than those referred to in subsection 7 to provide professional, technical or other assistance to or on behalf of the board.

Immunity of members

(9) No member of a board or member of the staff thereof is personally liable for anything done by it or by him in good faith under the authority or purporting to be under the authority of this Act.

Application for payment from fund

3. Where a farm product is sold by or on behalf of a producer and,

(a) the dealer has not paid the producer the price of the farm product within fifteen days of the time the payment became due; or

(b) the whole or any part of the dealer's assets has been placed in the hands of a trustee for distribution under the *Bankruptcy Act* (Canada) or *The Bulk Sales Act*,

R.S.C. 1952, c. 14
R.S.O. 1960, c. 43

the producer may apply to the board that administers the fund for the farm product claiming payment from such fund.

Functions of a board

4.—(1) It is the function of a board and it has power,

(a) to administer its fund;

(b) to investigate all claims made to it under this Act and to determine the extent of their validity;

(c) to grant or refuse the payment of claims or any part thereof and determine the amounts and manner of payment;

(d) to recover any moneys to which it is entitled under this Act by suit in a court of competent jurisdiction or otherwise.

(2) Where a producer has received a payment from a fund and receives a payment from or on behalf of the dealer in full or partial satisfaction of the same debt for which payment from the fund was made, the producer shall pay to the board the lesser of,

Refund where payment received twice

(a) the moneys that he received from or on behalf of the dealer; or

(b) the moneys that he received from the fund.

(3) Where an amount is paid out of a fund, the board administering the fund is subrogated for the amount of the payment to the right of the person to whom such amount is paid and may maintain an action in the name of the board or in the name of such person against any other person or persons to enforce such right.

Subrogation

5.—(1) All moneys to which a board is entitled shall be paid into the fund administered by it.

Payments into fund

(2) The expenses of a board, other than for the remuneration of its officers and servants who are employed in the public service of Ontario, shall be paid by the board out of the fund administered by it.

Payments out of fund

(3) If, at any time, the amount standing to the credit of a fund is insufficient for the purpose of making payments for claims under this Act, the Lieutenant Governor in Council may authorize the Treasurer of Ontario to advance out of the Consolidated Revenue Fund to the board that administers the fund such sums as are necessary to meet the deficit on such terms and conditions as the Lieutenant Governor in Council directs.

Advances to funds

(4) A board may pay into the Consolidated Revenue Fund any surplus moneys in its fund that are not necessary for the current requirements of the board, and section 24 of *The Financial Administration Act* applies thereto.

Surplus

R.S.O. 1960, c. 142

(5) The accounts and financial transactions of a board shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the board and to the Minister.

Audit

Annual
report

6.—(1) Every board shall make an annual report of its affairs to the Minister.

Tabling

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.

Failure
to pay
fees
1965, c. 72

7. Failure to pay a fee prescribed in the regulations shall be grounds for the suspension or revocation of or refusal to issue or renew any licence under *The Milk Act, 1965*.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) designating farm products for the purposes of clause *c* of section 1;
- (b) designating marketing boards under *The Milk Act, 1965* as producers for the purposes of clause *f* of section 1;
- (c) exempting any class or classes of dealers from the application of this Act;
- (d) prescribing by-laws for regulating the government of boards and the conduct of their affairs, but any board may make by-laws not inconsistent with this Act or with the regulations;
- (e) requiring dealers to pay fees to a board and prescribing the amounts and the times and manner of payment thereof;
- (f) providing procedures for the determination and payment of claims including the grounds upon which a board may pay or refuse to pay claims;
- (g) limiting the amount that may be paid out of a fund,
 - (i) to any producer or class thereof, or
 - (ii) respecting any dealer or class thereof;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

10. This Act may be cited as *The Farm Products Payments* ^{Short title}
Act, 1967.

Payments to Producers of Farm Products

1st Reading

March 15th, 1967

2nd Reading

March 17th, 1967

3rd Reading

March 22nd, 1967

MR. STEWART

BILL 60

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Insurance Act

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. The changes in the statutory conditions for fire insurance contracts make the statutory condition uniform with the corresponding condition for automobile insurance contracts.

BILL 60

1967

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Statutory condition 5 in section 111 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 111, stat. cond. 5, re-enacted

Termination

5.—(1) This contract may be terminated,

(a) by the insurer giving to the insured fifteen days' notice of termination by registered mail or five days' written notice of termination personally delivered;

(b) by the insured at any time on request.

(2) Where this contract is terminated by the insurer,

(a) the insurer shall refund the excess of premium actually paid by the insured over the *pro rata* premium for the expired time, but, in no event, shall the *pro rata* premium for the expired time be deemed to be less than any minimum retained premium specified; and

(b) the refund shall accompany the notice unless the premium is subject to adjustment or determination as to amount, in which case the refund shall be made as soon as practicable.

(3) Where this contract is terminated by the insured, the insurer shall refund as soon as practicable the excess of premium actually paid by the insured over the short rate premium for the expired time, but in no event shall the short rate premium for the expired time be deemed to be less than any minimum retained premium specified.

(4) The refund may be made by money, postal or express company money order or cheque payable at par.

(5) The fifteen days mentioned in clause a of subcondition 1 of this condition commences to run on the day following the receipt of the registered letter at the post office to which it is addressed.

(2) Statutory condition 11 in section 111 of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1966*, is amended by striking out "independent" in the sixth line and inserting in lieu thereof "independently", so that the statutory condition shall read as follows: R.S.O. 1960, c. 190, s. 111, stat. cond. 11, (1966, c. 71, s. 9), amended

Appraisal

11. In the event of disagreement as to the value of the property insured, the property saved or the amount of the loss, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be any recovery under this contract whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

R.S.O. 1960,
c. 190, s. 204
(1966,
c. 71, s. 11),
stat.
cond. 9,
amended

2. Statutory condition 9 in section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "Ontario" in the third line and inserting in lieu thereof "the province", so that the statutory condition shall read as follows:

Notice

9. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the province. Written notice may be given to the insured named in this contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

R.S.O. 1960,
c. 190, s. 205
(1966,
c. 71, s. 11),
subs. 1,
amended

3. Subsection 1 of section 205 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "225, 226a" in the third line and inserting in lieu thereof "226a, 226b", so that the subsection shall read as follows:

Exceptions
respecting
statutory
conditions

(1) Except as otherwise provided in the contract, the statutory conditions set forth in section 204 do not apply to insurance coming within section 226a, 226b or 226c.

R.S.O. 1960,
c. 190, s. 222
(1966,
c. 71, s. 11),
subs. 4,
cl. a,
amended

4. Clause *a* of subsection 4 of section 222 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "insurer" in the third line and inserting in lieu thereof "insured", so that the clause shall read as follows:

(a) an assignment, waiver, surrender, cancellation or discharge of the contract, or of any interest therein or of the proceeds thereof, made by the insured after the happening of the event giving rise to a claim under the contract.

R.S.O. 1960,
c. 190,
s. 226d
(1966,
c. 71, s. 11),
subs. 1,
amended

5. Subsection 1 of section 226d of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "or 226c" in the tenth and eleventh lines and inserting in lieu thereof "and 226c, or either of them", so that the subsection shall read as follows:

Demand
for
particulars
of insurance

(1) Where a person is injured or killed in an accident in Ontario involving an automobile, that person or his personal representative may serve,

SECTIONS 2 to 6. The amendments correct minor errors Part IV re-enacted in 1966 and bring the wording into line more literally with the uniform provisions adopted by the Association of Superintendents of Insurance of the Provinces of Canada.

(a) a demand by registered mail on the owner of the automobile; or

(b) a demand by registered mail on the insurer of the owner of the automobile,

requiring the owner or insurer, as the case may be, to state in writing to the person making the demand whether or not that owner has insurance of the type mentioned in sections 226*b* and 226*c*, or either of them, and, where the demand is made under clause *a*, requiring the owner, if he has such insurance, to state the name of the insurer.

6. Subsection 4 of section 226*k* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "subsection 2" in the second line and inserting in lieu thereof "subsection 3", so that the first three lines of the subsection shall read as follows: R.S.O. 1960, c. 190, s. 226*k* (1966, c. 71, s. 11), subs. 4, amended

(4) Where the interest of an insured in any recovery exceeds that referred to in subsection 3 and the insured and the insurer cannot agree as to, Application to S.C.O.

.

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

8. This Act may be cited as *The Insurance Amendment Act, 1967*. Short title

1st Reading

March 16th, 1967

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 60

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Insurance Act

MR. ROWNTREE

BILL 60

1967

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Statutory condition 5 in section 111 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 111, stat. cond. 5, re-enacted

Termination **5.**—(1) This contract may be terminated,

(a) by the insurer giving to the insured fifteen days' notice of termination by registered mail or five days' written notice of termination personally delivered;

(b) by the insured at any time on request.

(2) Where this contract is terminated by the insurer,

(a) the insurer shall refund the excess of premium actually paid by the insured over the *pro rata* premium for the expired time, but, in no event, shall the *pro rata* premium for the expired time be deemed to be less than any minimum retained premium specified; and

(b) the refund shall accompany the notice unless the premium is subject to adjustment or determination as to amount, in which case the refund shall be made as soon as practicable.

(3) Where this contract is terminated by the insured, the insurer shall refund as soon as practicable the excess of premium actually paid by the insured over the short rate premium for the expired time, but in no event shall the short rate premium for the expired time be deemed to be less than any minimum retained premium specified.

(4) The refund may be made by money, postal or express company money order or cheque payable at par.

(5) The fifteen days mentioned in clause *a* of subcondition 1 of this condition commences to run on the day following the receipt of the registered letter at the post office to which it is addressed.

(2) Statutory condition 11 in section 111 of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1966*, is amended by striking out "independent" in the sixth line and inserting in lieu thereof "independently", so that the statutory condition shall read as follows: R.S.O. 1960, c. 190, s. 111, stat. cond. 11, (1966, c. 71, s. 9), amended

Appraisal

11. In the event of disagreement as to the value of the property insured, the property saved or the amount of the loss, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be any recovery under this contract whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

R.S.O. 1960,
c. 190, s. 204
(1966,
c. 71, s. 11),
stat.
cond. 9,
amended

2. Statutory condition 9 in section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "Ontario" in the third line and inserting in lieu thereof "the province", so that the statutory condition shall read as follows:

Notice

9. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the province. Written notice may be given to the insured named in this contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

R.S.O. 1960,
c. 190, s. 205
(1966,
c. 71, s. 11),
subs. 1,
amended

3. Subsection 1 of section 205 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "225, 226a" in the third line and inserting in lieu thereof "226a, 226b", so that the subsection shall read as follows:

Exceptions
respecting
statutory
conditions

- (1) Except as otherwise provided in the contract, the statutory conditions set forth in section 204 do not apply to insurance coming within section 226a, 226b or 226c.

R.S.O. 1960,
c. 190, s. 222
(1966,
c. 71, s. 11),
subs. 4,
cl. a,
amended

4. Clause *a* of subsection 4 of section 222 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "insurer" in the third line and inserting in lieu thereof "insured", so that the clause shall read as follows:

- (a) an assignment, waiver, surrender, cancellation or discharge of the contract, or of any interest therein or of the proceeds thereof, made by the insured after the happening of the event giving rise to a claim under the contract.

R.S.O. 1960,
c. 190,
s. 226d
(1966,
c. 71, s. 11),
subs. 1,
amended

5. Subsection 1 of section 226d of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "or 226c" in the tenth and eleventh lines and inserting in lieu thereof "and 226c, or either of them", so that the subsection shall read as follows:

Demand
for
particulars
of insurance

- (1) Where a person is injured or killed in an accident in Ontario involving an automobile, that person or his personal representative may serve,

(a) a demand by registered mail on the owner of the automobile; or

(b) a demand by registered mail on the insurer of the owner of the automobile,

requiring the owner or insurer, as the case may be, to state in writing to the person making the demand whether or not that owner has insurance of the type mentioned in sections 226*b* and 226*c*, or either of them, and, where the demand is made under clause *a*, requiring the owner, if he has such insurance, to state the name of the insurer.

6. Subsection 4 of section 226*k* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "subsection 2" in the second line and inserting in lieu thereof "subsection 3", so that the first three lines of the subsection shall read as follows:

R.S.O. 1960,
c. 190,
s. 226*k*
(1966,
c. 71, s. 11),
subs. 4,
amended

(4) Where the interest of an insured in any recovery exceeds that referred to in subsection 3 and the insured and the insurer cannot agree as to,

Application
to S.C.O.

.

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

8. This Act may be cited as *The Insurance Amendment Act, 1967*.

Short title

1st Reading

March 16th, 1967

2nd Reading

April 13th, 1967

3rd Reading

April 17th, 1967

MR. ROWNTREE

BILL 61

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act respecting the Whirlpool Rapids Bridge

MR. MACNAUGHTON

EXPLANATORY NOTE

The Bill provides a grant in lieu of municipal taxes for the land and structures required for the Whirlpool Rapids Bridge.

BILL 61

1967

An Act respecting the Whirlpool Rapids Bridge

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "bridge" means the international bridge ^{"bridge" defined} across the Niagara River between the City of Niagara Falls in Ontario and the City of Niagara Falls in the State of New York, one of the United States of America, known as the Whirlpool Rapids Bridge, and includes land, centre span and all buildings, structures, erections and works forming part of the bridge or connected therewith, and appurtenances thereto.
2. The portion of the bridge in Ontario and the land and highway forming the approach to the bridge are exempt from ^{Exemption from municipal taxation} taxation for municipal or school purposes, including local improvement rates.
3. There shall be paid out of the Consolidated Revenue ^{Grant} Fund to The Corporation of the City of Niagara Falls, Ontario, the sum of \$144,000 in respect of the period of 1964 to 1967, both inclusive, and the sum of \$36,000 in the year 1968 and in each year thereafter to and including the year 1980.
4. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.
5. This Act may be cited as *The Whirlpool Rapids Bridge* ^{Short title} Act, 1967.

An Act respecting the
Whirlpool Rapids Bridge

1st Reading

March 20th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 61

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act respecting the Whirlpool Rapids Bridge

MR. MACNAUGHTON

BILL 61

1967

An Act respecting the Whirlpool Rapids Bridge

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "bridge" means the international bridge^{"bridge" defined} across the Niagara River between the City of Niagara Falls in Ontario and the City of Niagara Falls in the State of New York, one of the United States of America, known as the Whirlpool Rapids Bridge, and includes land, centre span and all buildings, structures, erections and works forming part of the bridge or connected therewith, and appurtenances thereto.
2. The portion of the bridge in Ontario and the land and highway forming the approach to the bridge are exempt from^{Exemption from municipal taxation} taxation for municipal or school purposes, including local improvement rates.
3. There shall be paid out of the Consolidated Revenue^{Grant} Fund to The Corporation of the City of Niagara Falls, Ontario, the sum of \$144,000 in respect of the period of 1964 to 1967, both inclusive, and the sum of \$36,000 in the year 1968 and in each year thereafter to and including the year 1980.
4. This Act comes into force on the day it receives Royal^{Commence-ment} Assent.
5. This Act may be cited as *The Whirlpool Rapids Bridge*^{Short title} Act, 1967.

An Act respecting the
Whirlpool Rapids Bridge

1st Reading

March 20th, 1967

2nd Reading

April 10th, 1967

3rd Reading

April 17th, 1967

MR. MACNAUGHTON

BILL 62

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act respecting the Lewiston-Queenston Bridge

MR. MACNAUGHTON

EXPLANATORY NOTE

The Bill provides a grant in lieu of municipal taxes for the land and structures required for the Lewiston-Queenston Bridge.

BILL 62

1967

An Act respecting the Lewiston-Queenston Bridge

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "bridge" means the international bridge^{"bridge" defined} across the Niagara River between the Town of Queenston in Ontario and the Town of Lewiston in the State of New York, one of the United States of America, known as the Lewiston-Queenston Bridge, and includes land, centre span and all buildings, structures, erections and works forming part of the bridge or connected therewith, and appurtenances thereto.
2. The portion of the bridge in Ontario and the land and highway forming the approach to the bridge are exempt from^{Exemption from municipal taxation} taxation for municipal or school purposes, including local improvement rates.
3. There shall be paid out of the Consolidated Revenue^{Grant} Fund to The Corporation of the Township of Niagara the sum of \$80,000 in respect of the period of 1964 to 1967, both inclusive, and the sum of \$20,000 in the year 1968 and in each year thereafter to and including the year 1980.
4. This Act comes into force on the day it receives Royal^{Commence-ment} Assent.
5. This Act may be cited as *The Lewiston-Queenston Bridge*^{Short title} Act, 1967.

An Act respecting the
Lewiston-Queenston Bridge

1st Reading

March 20th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 62

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act respecting the Lewiston-Queenston Bridge

MR. MACNAUGHTON

BILL 62

1967

An Act respecting the Lewiston-Queenston Bridge

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "bridge" means the international bridge^{"bridge" defined} across the Niagara River between the Police Village of Queenston in Ontario and the Town of Lewiston in the State of New York, one of the United States of America, known as the Lewiston-Queenston Bridge, and includes land, centre span and all buildings, structures, erections and works forming part of the bridge or connected therewith, and appurtenances thereto.
2. The portion of the bridge in Ontario and the land and highway forming the approach to the bridge are exempt from^{Exemption from municipal taxation} taxation for municipal or school purposes, including local improvement rates.
3. There shall be paid out of the Consolidated Revenue^{Grant} Fund to The Corporation of the Township of Niagara the sum of \$80,000 in respect of the period of 1964 to 1967, both inclusive, and the sum of \$20,000 in the year 1968 and in each year thereafter to and including the year 1980.
4. This Act comes into force on the day it receives Royal<sup>Commence-
ment</sup> Assent.
5. This Act may be cited as *The Lewiston-Queenston Bridge*^{Short title} Act, 1967.

An Act respecting the
Lewiston-Queenston Bridge

1st Reading

March 20th, 1967

2nd Reading

April 10th, 1967

3rd Reading

April 17th, 1967

MR. MACNAUGHTON

BILL 63

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Energy Board Act, 1964

MR. SIMONETT

EXPLANATORY NOTES

SECTION 1—Subsection 1. The intent is clarified.

Subsection 2. Paragraphs 4 and 21 are re-enacted to conform with the current definitions in *The Energy Act, 1964*. Paragraph 22 which defines "work" is repealed because the definition is no longer required.

SECTION 2. This new subsection gives wider application to a power of the Board previously contained in section 19 and will, in particular, facilitate administration of the Board's powers over accounts of gas companies.

BILL 63

1967

**An Act to amend
The Ontario Energy Board Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Ontario Energy Board Act, 1964*^{1964, c. 74, s. 1, amended} is amended by adding thereto the following paragraph:

2a. “construct” means construct, reconstruct, relocate, enlarge or extend.

(2) The said section 1 is further amended by striking out paragraphs 4, 21 and 22 and inserting in lieu thereof the following:^{1964, c. 74, s. 1, par. 4, 21, re-enacted; par. 22, repealed}

4. “fuel oil” means any hydrocarbon that is liquid at 60°F. and 29.92 inches of mercury and has a flash-point of not less than 110°F. and that comes within the meaning of the Canadian Government Specifications Board Specification 3-GP-2c entitled FUEL OIL and dated the 18th day of December, 1959, 3-GP-3c entitled Kerosine and dated the 11th day of December, 1959 or 3-GP-6c entitled DIESEL FUEL and dated the 31st day of December, 1964;

21. “well” means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no gas or oil is encountered that is drilled for the production of fresh water or salt.

2. Section 13 of *The Ontario Energy Board Act, 1964*^{1964, c. 74, s. 13, amended} is amended by adding thereto the following subsection:

(4a) The Board of its own motion may, and upon the request of the Lieutenant Governor in Council shall, inquire into, hear and determine any matter that^{Additional powers and duties as on applications}

under this Act or the regulations it may upon an application inquire into, hear and determine, and in so doing the Board has and may exercise the same powers as upon an application.

1964,
c. 74, s. 19,
amended

3.—(1) Section 19 of *The Ontario Energy Board Act, 1964*, as amended by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Orders on
applications

(4a) Upon an application for an order approving or fixing rates or other charges, the Board may after a hearing, if it is not satisfied that the rates or other charges applied for are just and reasonable, fix such other rates or charges as it finds to be just and reasonable.

1964,
c. 74, s. 19,
subs. 6,
re-enacted

(2) Subsection 6 of the said section 19 is repealed and the following substituted therefor:

Other rate
orders

(6) Where the Board of its own motion, or upon the request of the Lieutenant Governor in Council, holds a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, the Board shall, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be.

1964,
c. 74, s. 37,
amended

4. Section 37 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsection:

Exception

(1a) Subsection 1 does not apply to the relocation or reconstruction of a transmission line unless the size of the line is changed or unless the acquisition of additional land or authority to use additional land is necessary.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Energy Board Amendment Act, 1967*.

SECTION 3—Subsection 1. The intent is clarified.

Subsection 2. See note to section 2 of this Bill. This re-enactment is complementary.

SECTION 4. This amendment will permit relocation or reconstruction of a transmission line without leave of the Board if there is no change in size and no need to acquire additional land or authority to use land.

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

March 21st, 1967

2nd Reading

3rd Reading

MR. SIMONETT

BILL 63

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Ontario Energy Board Act, 1964

MR. SIMONETT

BILL 63

1967

An Act to amend The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Ontario Energy Board Act, 1964* ^{1964, c. 74, s. 1, amended} is amended by adding thereto the following paragraph:

2a. “construct” means construct, reconstruct, relocate, enlarge or extend.

(2) The said section 1 is further amended by striking out paragraphs 4, 21 and 22 and inserting in lieu thereof the following: ^{1964, c. 74, s. 1, pars. 4, 21, re-enacted; par. 22, repealed}

4. “fuel oil” means any hydrocarbon that is liquid at 60°F. and 29.92 inches of mercury and has a flash-point of not less than 110°F. and that comes within the meaning of the Canadian Government Specifications Board Specification 3-GP-2c entitled FUEL OIL and dated the 18th day of December, 1959, 3-GP-3a entitled Kerosine and dated the 11th day of December, 1964 or 3-GP-6c entitled DIESEL FUEL and dated the 31st day of December, 1963;

.

21. “well” means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no gas or oil is encountered that is drilled for the production of fresh water or salt.

2. Section 13 of *The Ontario Energy Board Act, 1964* ^{1964, c. 74, s. 13, amended} is amended by adding thereto the following subsection:

(4a) The Board of its own motion may, and upon the request of the Lieutenant Governor in Council shall, inquire into, hear and determine any matter that ^{Additional powers and duties as on applications}

under this Act or the regulations it may upon an application inquire into, hear and determine, and in so doing the Board has and may exercise the same powers as upon an application.

1964,
c. 74, s. 19,
amended

3.—(1) Section 19 of *The Ontario Energy Board Act, 1964*, as amended by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Orders on
applications

(4a) Upon an application for an order approving or fixing rates or other charges, the Board may after a hearing, if it is not satisfied that the rates or other charges applied for are just and reasonable, fix such other rates or charges as it finds to be just and reasonable.

1964,
c. 74, s. 19,
subs. 6,
re-enacted

(2) Subsection 6 of the said section 19 is repealed and the following substituted therefor:

Other rate
orders

(6) Where the Board of its own motion, or upon the request of the Lieutenant Governor in Council, holds a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, the Board shall, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be.

1964,
c. 74, s. 37,
amended

4. Section 37 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsection:

Exception

(1a) Subsection 1 does not apply to the relocation or reconstruction of a transmission line unless the size of the line is changed or unless the acquisition of additional land or authority to use additional land is necessary.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Energy Board Amendment Act, 1967*.

1st Reading

March 21st, 1967

2nd Reading

April 10th, 1967

3rd Reading

April 17th, 1967

MR. SIMONETT

BILL 64

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Energy Act, 1964

MR. SIMONETT

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of fuel oil is widened to include kerosine and diesel fuel. The term liquefied petroleum gas is changed to propane and the term hydrocarbon is redefined for accuracy.

Subsection 2. The amendment removes doubts as to what constitutes installation of temporary connections or portable appliances.

Subsection 3. The definition of manufactured gas is widened to include gas utilized as a by-product of sewage.

BILL 64

1967

An Act to amend The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 6, 7 and 8 of section 1 of *The Energy Act, 1964* are repealed and the following substituted therefor: ^{1964, c. 27, s. 1, pars. 6-8, re-enacted}

6. “fuel oil” means any hydrocarbon that is liquid at 60°F. and 29.92 inches of mercury and has a flash-point of not less than 110°F. and that comes within the meaning of the Canadian Government Specifications Board Specification 3-GP-2c entitled FUEL OIL and dated the 18th day of December, 1959, 3-GP-3a entitled KEROSENE and dated the 11th day of December, 1959 or 3-GP-6c entitled DIESEL FUEL and dated the 31st day of December, 1963;

7. “gas” means natural gas, manufactured gas or propane or any mixture of any of them;

8. “hydrocarbon” means gas, oil and fuel oil.

(2) The said section 1 is amended by adding thereto the following paragraph: ^{1964, c. 27, s. 1, amended}

9a. “install” includes placing in position for temporary use.

(3) Paragraph 12 of the said section 1 is repealed and the following substituted therefor: ^{1964, c. 27, s. 1, par. 12, re-enacted}

12. “manufactured gas” includes,

(i) sewage gas produced in a sewage treatment plant, and

(ii) a mixture of liquefied petroleum gas and air distributed by pipe line.

1964,
c. 27, s. 1,
par. 18,
amended

(4) Paragraph 18 of the said section 1 is amended by striking out "undiluted liquefied petroleum gas" in the second line and inserting in lieu thereof "propane", so that the paragraph shall read as follows:

18. "pipe line" means a pipe that carries a hydrocarbon, other than propane, and includes every part thereof and adjunct thereto.

1964,
c. 27, s. 1,
amended

(5) The said section 1 is amended by adding thereto the following paragraph:

19a. "propane" means liquefied petroleum gases or any mixture of any of them, undiluted with air, but does not include liquefied natural gas.

1964,
c. 27, s. 1,
par. 26,
re-enacted

(6) Paragraph 26 of the said section 1, as amended by section 1 of *The Energy Amendment Act, 1965*, is repealed and the following substituted therefor:

26. "well" means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no gas or oil is encountered that is drilled for the production of fresh water or salt.

1964,
c. 27, s. 7,
subs. 1-4,
re-enacted

2. Subsections 1, 2, 3 and 4 of section 7 of *The Energy Act, 1964* are repealed and the following substituted therefor:

Licences
to handle
hydro-
carbons

(1) No person shall,

(a) transmit a hydrocarbon;

(b) distribute gas;

(c) distribute fuel oil by pipe line;

(d) transfer propane to a pressure vessel; or

(e) transport propane,

unless he is the holder of a licence for such purpose, but the failure to comply with this subsection does not affect the validity of any contract.

Labelling of
appliances

(2) No person shall buy, sell, offer for sale, lease, rent or install an appliance that does not bear the label of an organization designated in the regulations or a label issued by the Minister.

Subsections 4 and 5. The term liquefied petroleum gas is changed to propane in the Act. Diluted propane remains classed as manufactured gas.

Subsection 6. The definition of well is simplified without substantive change.

SECTION 2—Subsection 1. The licence categories are reduced in number and licensing to transport propane is added. The labelling requirement is extended to appliances being leased or rented or offered for sale. The registering of fitters is changed to licensing.

SECTION 3. The amendment adds the offence of cutting, damaging or interfering with a pipe line.

SECTION 4—Subsection 1. The apportionment of the costs and benefits of spacing units is provided for by clause *b* of section 24 of *The Ontario Energy Board Act, 1964*.

Subsection 2. Clause *f* is re-enacted to enlarge the duties that may be prescribed for contractors. Clause *g* is complementary to section 2, subsection 2, of the Bill.

(3) No person shall carry on the business of installing, repairing, servicing or removing appliances or any class or classes thereof unless he is registered for the purpose. ^{Registration of contractors}

(4) No person shall install, repair, service or remove or permit or cause to be installed, repaired, serviced or removed an appliance unless the installation, repair, service or removal is done by or under the supervision of a person who is licensed for such purposes. ^{Idem}

3. Subsection 1 of section 9 of *The Energy Act, 1964* is amended by adding thereto the following clause: ^{1964, c. 27, s. 9, subs. 1, amended}

(ca) cuts, damages or interferes with a pipe line without authority to do so.

4.—(1) Clause *j* of subsection 1 of section 11 of *The Energy Act, 1964*, as amended by subsection 2 of section 3 of *The Energy Amendment Act, 1965*, is further amended by striking out "and the apportioning of the costs and the benefits of such drilling or operation" in the amendment of 1965, so that the clause shall read as follows: ^{1964, c. 27, s. 11, subs. 1, cl. j, amended}

(j) to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well.

(2) Clause *f* of subsection 2 of the said section 11 and clause *g*, as amended by subsection 3 of section 3 of *The Energy Amendment Act, 1965*, are repealed and the following substituted therefor: ^{1964, c. 27, s. 11, subs. 2, cls. f, g, re-enacted}

(f) providing for the registration of contractors, or any class of them, and prescribing their responsibilities;

(g) providing for the licensing of persons or classes of persons who may inspect, install, repair, service or remove appliances or pipe lines, and prescribing the acts that shall be performed by such persons personally.

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Energy Amendment Act, 1967*. ^{Short title}

1st Reading

March 21st, 1967

2nd Reading

3rd Reading

MR. SIMONETT

BILL 64

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Energy Act, 1964

MR. SIMONETT

BILL 64

1967

An Act to amend The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 6, 7 and 8 of section 1 of *The Energy Act, 1964* are repealed and the following substituted therefor: ^{1964, c. 27, s. 1, para. 6-8, re-enacted}

6. "fuel oil" means any hydrocarbon that is liquid at 60°F. and 29.92 inches of mercury and has a flash-point of not less than 110°F. and that comes within the meaning of the Canadian Government Specifications Board Specification 3-GP-2c entitled FUEL OIL and dated the 18th day of December, 1959, 3-GP-3a entitled KEROSENE and dated the 11th day of December, 1964 or 3-GP-6c entitled DIESEL FUEL and dated the 31st day of December, 1963;

7. "gas" means natural gas, manufactured gas or propane or any mixture of any of them;

8. "hydrocarbon" means gas, oil and fuel oil.

(2) The said section 1 is amended by adding thereto the following paragraph: ^{1964, c. 27, s. 1, amended}

9a. "install" includes placing in position for temporary use.

(3) Paragraph 12 of the said section 1 is repealed and the following substituted therefor: ^{1964, c. 27, s. 1, par. 12, re-enacted}

12. "manufactured gas" includes,

(i) sewage gas produced in a sewage treatment plant, and

(ii) a mixture of liquefied petroleum gas and air distributed by pipe line.

1964,
c. 27, s. 1,
par. 18,
amended

(4) Paragraph 18 of the said section 1 is amended by striking out "undiluted liquefied petroleum gas" in the second line and inserting in lieu thereof "propane", so that the paragraph shall read as follows:

18. "pipe line" means a pipe that carries a hydrocarbon, other than propane, and includes every part thereof and adjunct thereto.

1964,
c. 27, s. 1,
amended

(5) The said section 1 is amended by adding thereto the following paragraph:

- 19a. "propane" means liquefied petroleum gases or any mixture of any of them, undiluted with air, but does not include liquefied natural gas.

1964,
c. 27, s. 1,
par. 26,
re-enacted

(6) Paragraph 26 of the said section 1, as amended by section 1 of *The Energy Amendment Act, 1965*, is repealed and the following substituted therefor:

26. "well" means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no gas or oil is encountered that is drilled for the production of fresh water or salt.

1964,
c. 27, s. 7,
subs. 1-4,
re-enacted

2. Subsections 1, 2, 3 and 4 of section 7 of *The Energy Act, 1964* are repealed and the following substituted therefor:

Licences
to handle
hydro-
carbons

(1) No person shall,

- (a) transmit a hydrocarbon;
- (b) distribute gas;
- (c) distribute fuel oil by pipe line;
- (d) transfer propane to a pressure vessel; or
- (e) transport propane,

unless he is the holder of a licence for such purpose, but the failure to comply with this subsection does not affect the validity of any contract.

Labelling of
appliances

(2) No person shall buy, sell, offer for sale, lease, rent or install an appliance that does not bear the label of an organization designated in the regulations or a label issued by the Minister.

(3) No person shall carry on the business of installing, repairing, servicing or removing appliances or any class or classes thereof unless he is registered for the purpose. ^{Registration of contractors}

(4) No person shall install, repair, service or remove or permit or cause to be installed, repaired, serviced or removed an appliance unless the installation, repair, service or removal is done by or under the supervision of a person who is licensed for such purposes. ^{Idem}

3. Subsection 1 of section 9 of *The Energy Act, 1964* is amended by adding thereto the following clause: ^{1964, c. 27, s. 9, subs. 1, amended}

(ca) cuts, damages or interferes with a pipe line without authority to do so.

4.—(1) Clause *j* of subsection 1 of section 11 of *The Energy Act, 1964*, as amended by subsection 2 of section 3 of *The Energy Amendment Act, 1965*, is further amended by striking out “and the apportioning of the costs and the benefits of such drilling or operation” in the amendment of 1965, so that the clause shall read as follows: ^{1964, c. 27, s. 11, subs. 1, cl. j, amended}

(j) to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well.

(2) Clause *f* of subsection 2 of the said section 11 and clause *g*, as amended by subsection 3 of section 3 of *The Energy Amendment Act, 1965*, are repealed and the following substituted therefor: ^{1964, c. 27, s. 11, subs. 2, cls. f, g, re-enacted}

(f) providing for the registration of contractors, or any class of them, and prescribing their responsibilities;

(g) providing for the licensing of persons or classes of persons who may inspect, install, repair, service or remove appliances or pipe lines, and prescribing the acts that shall be performed by such persons personally.

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Energy Amendment Act, 1967*. ^{Short title}

An Act to amend The Energy Act, 1964

1st Reading

March 21st, 1967

2nd Reading

April 10th, 1967

3rd Reading

April 17th, 1967

MR. SIMONETT

BILL 65

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

**An Act to facilitate the Division of Properties into Parts
that are to be owned Individually and Parts that are to
be owned in Common, and to provide for the Use and
Management of such Properties**

MR. WISHART

EXPLANATORY NOTES

GENERAL. The word "condominium" has received considerable publicity during the past few years, but the concept that the word denotes with respect to property may not yet be generally understood. The two essential elements of this concept are: first, the division of property into units, to be individually owned, and common elements, to be owned in common by the owners of the units; and, second, an administrative framework to enable the owners to manage the property. An example is a high-rise building containing residential units; each of the units is individually owned, and the remainder of the property, including the roof, the basement, the parking area and the gardens, is owned in common by the owners of the units. Another example is an industrial development including a cluster of small factories; each is individually owned and the remainder of the property, including the service facilities, is owned in common by the owners. In each, an administrative framework enables the owners to manage the property for the common benefit, and each owner must contribute to the common expenses. This concept is indifferent to the use to be made of the property, to the design of the buildings, and to the location of the boundaries between individual and common ownership.

There is a demand for condominium development. The major reasons are probably the high cost of land in urban areas and the appeal of ownership. Condominium provides the amenities of apartment living on a shared cost basis with the advantages of home ownership. As contrasted with co-operative developments this type of ownership provides lower risks and greater flexibility in financing. Lower risks result from the fact that each unit in a condominium is separately taxed and individually financed and accordingly no unit owner is liable on the default of another. Again, because each unit is a separate property interest greater flexibility is achieved in that each owner is able to vary the financing to suit his needs and desires.

Most of the major countries of Western Europe enacted enabling legislation in the period roughly between 1930 and 1955. Many of the countries of South America followed in the next decade. In the United States, in 1961, the National Housing Act was amended to authorize the Federal Housing Authority to guarantee mortgages of condominium units. This amendment prompted an outburst of legislative activity, and now all but one of the States have enabling legislation. In the British Commonwealth, New South Wales enacted the Strata Titles Act in 1961, and British Columbia and Alberta enacted substantially similar statutes in 1966.

An obvious question to be faced at the outset is whether the enabling legislation for condominium development is necessary. The existing common law and legislation present formidable difficulties: the general prohibition of positive covenants running with the land makes the imposition of obligations on subsequent purchasers awkward or impossible; the rules of future interests limit and complicate provisions for the eventual termination of the interests of the owners; the attitude of the common law towards the ownership and subdivision of space may not be entirely clear; descriptions of cubes of space are more easily imagined than prepared; municipal taxes would probably be assessed against the property owned in common as one parcel, impairing the advantage of financial independence that might be expected to accompany ownership; mechanics' liens against the property owned in common would have the same effect; and, finally, the express provisions of planning restrictions on the subdivision of land would probably apply, even though the spirit might not.

These difficulties are not necessarily insurmountable. In many jurisdictions, particularly in England, the essential objectives have been achieved without enabling legislation, but the developments have presented a variety of weaknesses. In all, the techniques and the documents are complex and cumbersome, and some of the techniques are not suitable for large developments. In some developments, the interest of the owner is a long-term lease, an interest that is probably not suitable for the

North American housing market. None avoid the financial interdependence involved in municipal taxes and mechanics' liens. Despite the demand for condominium development, there has been virtually none in Ontario. This alone may be evidence of a need for legislation.

Enabling legislation will avoid some of the particular difficulties raised by the existing law and, perhaps more important, will present a relatively simple and comprehensive framework for development.

The following is a summary of the Bill.

The owner in fee simple of land may invoke the Act by registering a declaration and description. The land is divided into units and common elements by the description. The units are to be individually owned; appurtenant to each is an undivided share in the common elements, and the proportions of the shares are specified in the declaration. The major terms that govern the owners and the property are specified in the Act and the declaration, and the declaration cannot be amended except by unanimous consent. The details of government are left to be specified in by-laws, which are made and may only be amended by a vote of members who own 66 $\frac{2}{3}$ per cent of the common elements, or such greater percentage as is specified in the declaration. The by-laws may also provide for the making of rules by the owners for the purpose of preventing unreasonable interference with the use and enjoyment of the property. These rules must be reasonable and consistent with the Act, the declaration, and the by-laws. A corporation without share capital, of which the members are the owners of the units, is automatically formed upon the registration of the declaration and description. This corporation is responsible for the performance of the functions of common concern. Of course, these functions cost money, and the owners must contribute to the cost in proportions specified in the declaration. Each owner is responsible for the maintenance of his own unit, and the corporation is responsible for the maintenance of the common elements and the repair of the entire property, although some of these obligations may be modified in the declaration. If there is extensive damage to the entire property, the owners who own 80 per cent of the common elements or such greater percentage as is specified in the declaration may vote to have the property repaired. Failing such a vote the owners become tenants in common of the land and interests appurtenant to the land. The assets of the corporation are distributed amongst the owners and the Act ceases to govern the property. A substantial majority of the owners may elect to sell the entire property or part of the common elements, or to withdraw the property from the provisions of the Act. The Act imposes some essential restrictions on the use of the property and none on design.

The declaration and by-laws may control occupation and use but not so as to discriminate because of race, creed, colour, nationality, ancestry or place of origin of any person. This provision is consonant with the spirit of *The Ontario Human Rights Code, 1961-62*. Planning restrictions will undoubtedly affect both use and design.

SECTION 1—Subsection 1, Clause e. The common elements are the part of the property owned in common by the owners of the units. There is no compelling reason to add a list of examples, but two particular elements of the property might have been included in the common elements and excepted from the units: major structural elements, and facilities for the provision of services to other units or to the common elements. The justification for the inclusion would be that no owner should have control over these elements and the power arbitrarily to injure the others. The inclusion would necessarily be made in general terms, and questions of boundaries and ownership should not be left to the interpretation of general terms. The possibility of abuse can be controlled by other techniques: the obligations to repair and the easements for support are adequate protection concerning the major structural elements, and easements are adequate protection concerning facilities for the provision of services.

Subsection 1, Clause f. The common expenses are the expenses of performance of the functions of common concern. The definition is in terms of expenditures. Although the owners must make contributions

towards the common expenses, the total of their contributions need not necessarily be equal to the common expenses, for there may be income from other sources; for example, rent from units acquired through exercise of a restriction on sale or enforcement of the lien to secure the claim for contributions towards the common expenses.

The possibility of designating common expenses in the declaration will probably be rarely used, but is included to provide flexibility.

Subsection 1, Clause *l*. The owners of the units and common interests have a variety of rights and duties that are imposed by the Act, the declaration and the by-laws. The definition recognizes the possibility that there may be as many estates and interests in a unit and common interest as in any other real property, and that ownership may be divided.

Subsection 1, Clause *n*. The property is the property from which the units and common elements are carved.

Subsection 1, Clause *r*. The term "unit" is selected for reasons that are essentially negative; it has few, if any, familiar or particular connotations. "Lot" is associated with a two-dimensional parcel included in a traditional plan of subdivision, and "apartment" suggests residential use.

The owner of a unit owns space, the boundaries of which are specified in the description, and the material parts of the land within the space at the time of the registration of the declaration and description. Two alternative interests or combinations of interests might have been specified: first, an exclusive easement or similar right to use, but not ownership, and, second, ownership of material parts of the land, an exclusive easement for the space occupied by these parts, and an exclusive easement or similar right to use the enclosed space. Neither of these possibilities is preferable to the interest contemplated by the definition, and the possibility of confusion and uncertainty precludes permitting a choice among alternatives.

Most of the statutes of other jurisdictions impose limitations on the design of the units, either expressly or by implication. Often, the units must be included in buildings. This definition and the remainder of the Act impose no limitations; a patio, a balcony, a loading area or a parking space may be included in a unit. Obviously, however, planning restrictions and the market will impose limitations.

SECTION 1—Subsection 2. This section probably does no more than state the common law conception of the ownership of land, but the ownership of space is vital to the scheme of the Act, and there must be no possibility of doubt.

SECTION 2—Subsections 1 and 2. The property may consist only of land and interests appurtenant to the land, and only the owner or owners in fee simple of the land may register the declaration and description and invoke the Act. A lessee, for example, may not. Some of the major advantages of the condominium concept would not be available if the property was a leasehold, and existing institutions and techniques probably permit lessees to achieve substantially the same objectives that the Act could offer.

Interests appurtenant to the land include, for example, restrictive easements and easements benefiting the land.

Subsection 4. This subsection is a consequence of the requirement that only the owner or owners in fee simple of the land may register the declaration and description, and is designed to simplify searches of title.

Subsection 5. The registration of the declaration and description invokes the Act.

SECTION 3—Subsection 1. The declaration, together with the Act, is, in effect, a constitution. The matters that must be included are, together with the Act, the essential minimum.

Subsection 1, Clause *b*. The property may be subject to a variety of claims at the time of the registration of the declaration and description. There is no necessity for a requirement of the consent of the owners of all these claims, but the consent of the owners of the claims that will be prejudiced by registration is undoubtedly justifiable. The only provisions prejudicing claims existing at the time of registration are contained in section 7 (5), which prohibits separating the ownership of a unit and common interest, section 7 (6), which prohibits partitioning or dividing the common elements, and section 7 (7), which prohibits enforcing an encumbrance against the common elements. These subsections all reflect the same general objective, and all prejudice the enforcement of encumbrances, albeit only slightly. Unregistered claims are excluded to enable a determination to be made from public records whether the requirements for invoking the Act have been fulfilled.

Subsection 1, Clause *c*. The proportions of the common interests determine the distribution of the property among the owners after termination and the voting power for major decisions. No standard is specified according to which the proportions are to be determined, although an estimate of the value that the units would otherwise have will usually be the standard that is adopted.

Subsection 1, Clause *d*. The statutes of most other jurisdictions provide that the proportions for sharing the common expenses are to be the proportions of the common interests. The factors that might be considered in determining these two sets of proportions may be different, and discretion to specify different proportions provides flexibility, although in most developments the two will probably be the same.

Subsection 2. The owner or owners by whom the declaration and description are registered have discretion to add matters to the declaration.

Subsection 2, Clause *b*. Parts of the common elements, which for purpose of convenience can be called "limited common elements", may be restricted to use by some, or one, of the owners. For example, a high-speed elevator to the top floor of a high-rise building might be limited to use by the owners of units on that floor, or a small swimming pool might be limited to use by the owners in one wing of a building. The owner of a unit might be permitted exclusive use of a balcony, a patio or a parking space. These areas might also be included in the unit and the respective merits of these two alternatives may vary with different kinds of developments.

Subsection 2, Clauses *c* and *d*. The owners and the units are inevitably interdependent: a basic minimum of co-operation is necessary, and the common expenses must be shared. No precise terms of the basis for restriction are specified but if a restriction is to be included perhaps the most acceptable between control and marketability would be based on a right of first refusal given to the corporation.

Subsection 2, Clause *j*. The search for a happy balance between discretion and control is a difficult undertaking, but this discretion is necessary. There are many details that may vary from development to development that the Act cannot encompass, and the future may bring unanticipated tastes and techniques.

Subsection 3. Provision must be made for amending the declaration, but since the terms are of vital economic and personal concern to each owner, the consent of all is required. Again, only the consent of the owners of the claims that will be prejudiced by the amendment is necessary. Only encumbrances are, or may be, prejudiced, and unregistered encumbrances are excluded.

Subsection 4. The requirement of registration ensures a public record of all amendments.

SECTION 4—Subsection 1. The major objectives are to describe the land and any interests appurtenant to the land, and to describe the units. The common elements are, by definition, all the property except the units. The land and the interests appurtenant to the land are described by familiar techniques. The units are described by reference to the buildings; that is, the buildings are the monuments by reference to which the boundaries of the units are specified. The details of the requirements for the description will be specified by the regulations.

Subsection 1, Clause *a*. The survey of the land is essential. The buildings must be included to provide a framework for the description of the units and a means of ensuring that the boundaries of the units are within the boundaries of the land; as well, the single survey will provide a convenient means of determining questions concerning encroachments and zoning by-laws.

Subsection 1, Clause *b*. The structural plans are required to provide a framework for the specification of the boundaries of the units and the diagrams of the units, and to ensure that plans will be available for repairs or reconstruction. If the building is a new one, the plans may simply be derived from the plans used for construction. If the building has been in existence for some time, the plans may have to be prepared.

Subsection 1, Clause *c*. The boundaries of the units are described by reference to the buildings; for example, the boundaries of a unit might be the planes of the interior surfaces of the perimeter walls, floor and ceiling. This technique is hardly novel, although its use in the contexts of registration and ownership is unfamiliar. A survey would usually be expensive and unnecessary.

Subsection 1, Clause *d*. These diagrams are simple drawings, and are intended to provide a convenient reference.

Subsection 1, Clause *e*. The certificate is required to ensure that the structural plans of the building are sufficiently accurate to enable restoration after damage, to ensure that the monuments by reference to which the units are described can be easily located and have substantially the same relations and dimensions in fact as in the plans, and to ensure that the buildings are completed before the Act is invoked. The buildings must be completed to avoid the possibility of hopeless confusion. If the Act could be invoked before or during construction, and if several units were sold when finished and the remainder were never finished, the proportions of common interests and for sharing common expenses would be meaningless, and no happy resolution of the difficulty can easily be made available.

Subsection 1, Clause *f*. These interests will be described by familiar techniques.

Subsection 2. The requirement of approval is justified by the unusual nature and the potential complexity of the description.

SECTION 5—Subsection 4. The overwhelming majority of instruments affecting the property will deal with the units and common interests. These instruments do not fit comfortably into the traditional frameworks of abstract indices, registers and parcels. Appropriate variation in these frameworks will be made in the regulations, based primarily upon the concept of each unit and common interest as a separate parcel.

SECTION 6—Subsection 1. This subsection and subsection 2 are technically unnecessary, for the units must be parts of the land described in the description, but the objectives of the Act should be stated simply and clearly.

Subsection 3. The units are inevitably interdependent, and this subsection and subsection 4 are a reflection of this interdependence.

SECTION 7—Subsection 4. The right of the owners to use the common elements is limited; one owner cannot make unreasonable impositions on the others. The word "reasonable" is indefinite, but an attempt to be precise would be futile, and the standard is probably easier to apply in a particular fact situation than it is to discuss generally.

Subsections 5 and 6. The prohibitions in these subsections are essential. Separation of the ownership of a unit and common interest could achieve no useful or justifiable purpose, and would create an extremely complex tangle. Any division of the common elements might result in a paralysis of the property: the units might be useless without the right to use the common elements.

Subsection 7. The prohibitions in subsections 5 and 6 and the interest in the financial independence of the units demand that no encumbrance be enforced against the common elements.

Subsection 8. Instead of a claim against the common elements, the Act gives a claim against virtually the same security, and perhaps more. An encumbrance that could, but for the prohibition, be asserted against the common elements, may be asserted against the units and common interests.

Subsection 9. The interest in the financial independence of the units demands that each owner have the power to discharge his unit and common interest from the encumbrance by payment of a portion of the amount claimed. The portion is determined by the proportions for sharing the common expenses.

Subsection 11. The prohibitions in subsections 5 and 6 and the interest in the financial independence of the units require a modification of the established patterns of municipal taxation. Without this subsection, the common elements would probably be a parcel; instead, the units and common interests are parcels. The interests in the common elements, and not the common elements, are taxable property.

Subsection 12. The problem of occupier's liability is complex, and the possibility of accidents in the common elements exposes the complexities in an extreme form. This subsection is designed to simplify the problems without effecting a substantial amendment of common law principles.

SECTION 8—Subsection 1, Paragraph 1. The boundaries of the space included in the units are fixed at the time the declaration and description are registered; the material parts of the land that are included in the units are those that are included in this space at the time of registration. The buildings may sway or settle, and repairs may not restore the material elements to the original position. Where the boundaries of a unit are closely associated with parts of a building that are not in the original position, a trespass or several trespasses may occur. These easements are designed to take account of this possibility. The effect is simply that "the shadow follows the bear", and that there is an easement for exclusive use and occupation over the space that would be included in each unit if the boundaries were not fixed at the time of registration, but changed position as the monuments according to which they were specified changed position. This technique of determining the location of the easement will provide for virtually all possibilities, for virtually always a change in the position of a material part that results in a trespass or the possibility of a trespass will be or include a corresponding change in the monument according to which the boundary that is or may be exceeded was specified. In bizarre situations, in which there are possibilities that would not be provided for by this easement, appropriate easements can be included in the declaration.

Subsection 1, Paragraph 2. The Act imposes no limitations on the location of the boundaries of the units, and, therefore, there is a possibility that installations through which services are supplied to one unit may be included in another. This easement, coupled with the obligations concerning repairs, precludes the one owner from being deprived of services by the other.

Subsection 1, Paragraph 3. The easement for support may not accomplish any more than the obligations concerning repair, but is included for certainty.

SECTION 9—Subsection 1. A corporation without share capital is the most simple and convenient form in which the owners collectively can perform the functions of common concern.

Subsection 2. The name of the corporation will be based primarily on a number. Of course, the owner or owners by whom the declaration and description are registered may coin a more romantic name for the development for other purposes.

Subsection 4. This general statement of the objects of the corporation is designed to permit any undertaking that legitimately concerns the property and the common interests of the owners.

Subsection 5. The board and the minimum requirements specified in this subsection and subsections 4 to 7 are vital, and cannot be left entirely to the declaration and by-laws.

Subsection 10. The nature of developments will differ greatly, and the Act cannot specify one form for all; furthermore, there will be many details that can and should be subject to amendment by some majority, and not the unanimous consent required for amendment of the declaration.

Subsection 11. These provisions might have been left to the declaration or the by-laws, but seem sufficiently important to be established in the Act.

Subsection 12. The corporation is responsible for the general supervision of the affairs of the owners. The duty is to each of the owners and to persons having encumbrances against the units and common interests.

Subsection 13. The power to specify duties is given for flexibility.

Subsection 14. The owners are given this right because of their intense concern with the functions of the corporation. The reason for including persons having encumbrances is derived primarily from a concern with mortgages (and charges). There are two general factors that make mortgages of the units and common interests different from mortgages of conventional property, and that may impair the security: the ownership of common elements is divided among all the owners, and the owners collectively have a vital interest in controlling the property and the individual owners. If the security is unattractive, loans will simply not be made, at least not readily and not at conventional rates of interest. This subsection gives mortgagees some leverage and control over the management of the property.

Subsection 15. Only land and interests appurtenant to the land may be included in the property. A developer may wish to give prospective owners the benefit of property interests that may not be included in the property, for example, a lease of a small golf course. One method of achieving this practice is to convey the interests to the corporation.

The corporation may own a variety of incidental items, and may acquire a unit and common interest through enforcement of the lien for unpaid common expenses or exercise of a restriction on gifts, leases or sales.

Subsection 17. The corporation is created for the administrative convenience of the owners. It is not a commercial or business enterprise, and its activities and commitments are for the sole benefit of the owners, but it will have few, if any, assets. Therefore personal liability is imposed on the owners, although for only a portion of a judgment, determined by the proportions for sharing the common expenses.

Subsection 18. This subsection is included entirely for procedural convenience.

SECTION 10—Subsection 1. Requirements and tastes differ and change; the Act cannot specify every detail for every development, and considerable discretion must be left to the owner or owners who register the declaration and description and to the subsequent owners. The

Act and the declaration specify the major elements of the framework that governs the owners and the property, and the declaration cannot be amended except by unanimous consent. There are many details that must be determined, but that are not of the same fundamental nature and for which less rigorous requirements for amendment are appropriate. These details may be specified in by-laws.

The choice of particular minimum majority is difficult and perhaps essentially arbitrary. Sixty-six and two-thirds per cent is chosen to balance the competing interests of stability and flexibility. The voting power is allocated according to the proportions of the common interests to recognize the economic stake of the owners in the property.

The scope of the by-laws is sufficiently broad to include any subjects of common concern to the owners that are not determined by the Act or the declaration, or that are not expressly excepted.

Subsection 1, Clauses *b* and *c*. The declaration may include any provisions respecting use and occupation. The scope of the by-laws is limited: the use of the common elements may be regulated, but not occupation. The use of the units may be regulated only for a limited purpose: to control anti-social or annoying conduct.

Subsection 1, Clause *d*. The obligations concerning maintenance are primarily determined by section 16. This power permits the details, particularly the standard, to be determined by by-laws.

Subsection 2. The qualification of "reasonableness" imposed on changes by the owners is intended to protect a minority from unfair treatment by a majority. The qualification is obviously indefinite, but, again, any attempt to design a more precise one would be futile, and the standard of reasonableness is probably much easier to apply in a specific situation than to discuss generally.

Subsection 3. The requirement of registration is designed to provide a formal, public record of the change. The certificate is required for convenience.

SECTION 11. The owners may wish to impose minor rules of conduct on the use of the common elements, particularly in large projects. This kind of regulation is not appropriate to the by-laws. This section provides for the establishment by the by-laws of a method in which these rules of conduct can be made in a more informal fashion. The informality and the possibility of change by a simple majority are controlled by the limited scope of the power.

SECTION 12—Subsection 1. The problems of positive covenants running with the land are avoided by legislative fiat.

Subsection 2. The right of each of the owners is justified by the interdependence of the owners and the units; the right to have the duties of the other owners enforced by the corporation may not always be a satisfactory one.

Subsection 3. Obviously, the corporation must have the right to the performance of the duties of the owners, and again, mortgagees are given some leverage and control over the management of the property.

SECTION 13—Subsection 3. The line between abandonment and sale or gift may be difficult to determine in particular situations, but the problem is one that is appropriate for adjudication by the courts.

Subsection 4. Although one of the major objectives of the Act is financial independence of the owners and the units, interdependence is inevitable: the common expenses must be paid, even though an owner defaults. The lien is given to the corporation to diminish this interdependence, and to provide an efficient means of collection.

Subsection 5. The lien is novel, but the novelty is diminished by invoking an established and familiar institution: the mortgage.

SECTION 14—Subsection 1. Section 16 deals with repair and maintenance, that is, with the preservation of the property in the original form. Some owners may wish to undertake substantial changes. The units are the private concern of each owner, but the possibility of changes in the common elements includes the possibility of a conflict. Some owners may wish to have additions made to the land or buildings, they may wish to have improvements made, or they may wish to have complete renovations. Their wishes may be reasonable, but other owners may be strongly opposed. This conflict must be resolved, and the terms of the resolution must inevitably be a reflection of emotional or political attitudes. The Act imposes substantial restrictions on these undertakings. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

The standard "substantial" is indefinite, but again, any attempt to design a more precise one would be futile, and the standard is probably much easier to apply in a particular situation than to discuss generally.

Subsection 2. This subsection is probably not necessary, but is included for clarity and certainty.

Subsection 3. The knowledge that at least eighty per cent of the owners are in favour of the installation of a swimming pool may not be much satisfaction for an owner who loves a garden that will disappear, who does not swim, who is opposed to the noise a pool will create, and who cannot afford to share the cost. The declaration may include the additional protection of requiring the corporation to purchase the unit and common interest of a dissenter.

SECTION 15—Subsection 1. This section concerns insurance against damage to the property. This is undoubtedly one of the most difficult problems of condominium development. The difficulty is created by the inevitable interdependence of the owners and the units, and a conflict of interests each of which must be satisfied.

The interest of the owners in insurance is derived from ownership, and the potential obligation to repair, which may not be coincident with ownership. Protection of these interests by individual policies obtained by each of the owners on each unit and common interest has severe weaknesses. The total cost of the policies would probably be higher than the cost of a single policy on the entire property, and probably some specialized policies would be left to be separately acquired, again, at a relatively high cost. The interdependence of the owners and the units, manifested particularly in the obligations to repair, creates a mutual interest and dependence upon comprehensive insurance coverage and unified control of proceeds, and this interest cannot be satisfied simply by requiring rather than permitting the owners to insure. A master policy on the entire property obtained by the corporation will usually be preferable, and the obligations of the corporation to repair gives it an insurable interest in the entire property. Section 15 (1) permits the obligation to obtain insurance to be imposed on the corporation. The owners may insure as owners, and the doctrine of subrogation will prevent double recovery.

Doubtless most of the units and common interests will be mortgaged (or charged), at least at the outset, and the mortgagee will require insurance protection for the security. A conflict is posed between the interest of the mortgagees or chargees in control of insurance payments after loss in electing payment or reconstruction, and the interest of the owners in unified control. This conflict may be resolved by the use of separate policies on the interests of mortgagees.

SECTION 16—Subsection 1. The interdependence of the owners and the units and common interests requires that obligations be imposed to maintain the property and to repair after damage, and these obligations obviously must be imposed either on the corporation or the owners.

The obligation concerning the common elements must generally be assigned to the corporation; if not, performance of the functions would require the control over the owners that is the essence of the corporation.

There can be at least one exception to this general proposition: the maintenance of limited common elements. The cost of maintenance done by the corporation could be taken into account in determining the proportions for sharing the common expenses, but maintenance by the corporation might be awkward where the limited common elements were closely associated with one unit and restricted to use by the owner of that unit. The Act imposes the obligations of repair and maintenance on the corporation, and permits the declaration to shift the obligation to maintain to the owners.

The units present greater difficulty. Maintenance is substantially a personal concern, and generally should be the responsibility of the owner. Again, there is at least one possible exception: in some projects the boundaries of the units may be the exterior surface of the walls of the building; if so, maintenance of these walls by the corporation may be desirable. The Act imposes the obligation of maintenance on the owner, and permits the declaration to shift the obligation to the corporation.

The imposition of obligations to repair the units after damage is the most difficult problem. Perhaps the natural and instinctive reaction is that the obligation should be imposed on the owner, but strong objections can be made to this scheme. The boundaries between units and between units and the common elements may be planes through parts of the building, and damage may not discriminate according to the boundaries. The task of determining liability and controlling repairs may be formidable, and may involve nothing more than a guess. Section 17 provides that, if there is substantial damage, the owners may choose between termination and repair. To shift from individual to common liability where there has been substantial damage, however the determination is made, seems arbitrary. Presumably, there will be insurance against most damage, obtained by the corporation, the cost of which is a common expense. The cost of repairs is, to the extent of the insurance proceeds, shared among all the owners. To shift from common to individual responsibility when insurance proceeds are exhausted, again, seems arbitrary.

The imposition of the obligation to repair on the corporation avoids these objections, but raises a different problem: the vital distinction between repair and maintenance. These terms considered alone may include a wide range of possible meanings, which may vary according to the context, and which may overlap. The Act specifies that they are mutually exclusive. The obligation to repair is confined to repair of damage, and maintenance is limited to "good housekeeping". The Act imposes the obligation to repair after damage on the corporation, and permits the declaration to shift the obligation to the owners. Of course, if the corporation must repair and damage is caused by the fault of an owner, a claim for indemnity is available; no express provision is required to establish this claim.

SECTION 17—Subsection 1. Damage may be so extensive that repair may not be reasonable. The Act gives the owners a choice, to be made by vote, between termination and repair.

The phrase, "substantial damage" is, of course, indefinite, but there is no better alternative. The objective in determining the specific percentage is to designate the point at which damage may be so disruptive that termination is a reasonable alternative. The figure of 25 per cent may be changed in the declaration.

Subsection 2. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

SECTION 18—Subsection 1. The notice is required to provide a formal, public record of the change.

Subsection 3, Clauses *d* and *e*. Liens against the units and the common interests are preserved as claims against the new interests of the owners. Other claims created after the registration of the declaration and description are extinguished. The possibility of this kind of claim is remote;

an example is a restrictive covenant concerning a unit. To extinguish these claims may seem arbitrary, but to preserve them in any fair and workable scheme is probably impossible; the interests against which they were asserted have vanished.

SECTION 19—Subsection 1. This section permits the owners to sell the property or part of the common elements and terminate the government of the Act. A majority of at least 80 per cent is required, but not unanimity. A minority may protest that they are being deprived of their property by the desires of the majority, but this possibility is preferable to permitting one or a few obstinate owners to veto a reasonable proposal. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

Subsection 1, Clause *b*. These claims will be extinguished, and there is no reason why the consents should not be required. The requirement is limited to registered claims to enable a determination to be made from the public records whether the requirements have been fulfilled.

Subsection 3. To provide a public record of the change, the time at which the terms of the Act cease to govern the property is designated as the time of the registration of the deed or transfer.

Subsection 3, Clause *c*. These terms must contemplate extinguishing the claims created after the registration of the declaration and description because the interests against which they would be asserted are extinguished. There is no provision for a sale of the property governed by the Act by majority vote simply because interest in this possibility is extremely unlikely.

Subsection 5. There are two major possibilities that may prejudice the minority: bad faith and bad judgment of the majority. This provision might have been made an optional feature of the declaration if protection against bad faith would clearly be available in the absence of express protection, and also if the terms of this protection were reasonably clear. Instead, protection is provided against a sale at less than the fair market value regardless of the reason.

SECTION 20—Subsection 1. This section permits the owners to terminate the government of the property by this Act and to become tenants in common. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

Subsection 1, Clause *b*. Again, these claims will be extinguished, and there is no reason not to require consent.

Subsection 2. Again, the registration of the notice is required to provide a formal, public record.

SECTION 22. The comments made concerning section 10 (3) described factors that may impair the security of a mortgagee. This subsection recognizes and regulates the probable consequences: mortgagees will demand some control over the administration of the property.

BILL 65

1967

**An Act to facilitate the Division of Properties
into Parts that are to be owned Individually
and Parts that are to be owned in Common,
and to provide for the Use and Management
of such Properties**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) In this Act,

**Interpre-
tation**

- (a) "board" means the board of directors of a corporation;
- (b) "buildings" means the buildings included in a property;
- (c) "by-law" means a by-law of a corporation;
- (d) "claim" includes a right, title, interest, encumbrance or demand of any kind affecting land, but does not include the interest of an owner in his unit and common interest;
- (e) "common elements" means all the property except the units;
- (f) "common expenses" means the expenses of the performance of the objects and duties of a corporation and any expenses specified as common expenses in a declaration;
- (g) "common interest" means the interest in the common elements appurtenant to a unit;
- (h) "corporation" means a corporation incorporated by this Act;

- (i) "declaration" means the declaration specified in section 3, and includes any amendments;
- (j) "description" means the description specified in section 4;
- (k) "encumbrance" means a claim that secures the payment of money or the performance of any other obligation, and includes a charge under *The Land Titles Act*, a mortgage and a lien;
- (l) "owner" means the owner or owners of the freehold estate or estates in a unit and common interest, but does not include a mortgagee unless in possession;
- (m) "prescribed" means prescribed by the regulations;
- (n) "property" means the land and interests appurtenant to the land described in the description, and includes any land and interests appurtenant to land that are added to the common elements;
- (o) "registered" means registered under *The Land Titles Act* or *The Registry Act*;
- (p) "regulations" means the regulations made under this Act;
- (q) "surveyor" means an Ontario land surveyor registered under *The Surveyors Act*;
- (r) "unit" means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and description are registered.

Ownership
of land

(2) For the purposes of this Act, the ownership of land includes the ownership of space.

DECLARATION AND DESCRIPTION

Freehold
land only

2.—(1) A property shall comprise only freehold land and interests, if any, appurtenant to that land.

Who may
register

(2) A declaration and description may be registered by or on behalf of the owner in fee simple of the land described in the description.

Land must
be in one
division

(3) Where the land and the interests appurtenant to the land described in the description are not entirely within one land titles or registry division or not entirely under *The Land Titles Act* or *The Registry Act*, the description shall not be registered.

(4) Where the land described in a description is under *The Registry Act*, a certificate of title under *The Certification of Titles Act* showing the owner by whom the declaration and description are being registered as the owner in fee simple of the land shall be registered before the declaration and description are registered.

Where the land is under the registry office system
R.S.O. 1960, cc. 348, 48

(5) Upon registration of a declaration and description, the land and the interests appurtenant to the land described in the description are governed by this Act.

Effect of registration

3.—(1) A declaration shall not be registered unless it is executed by the owner or owners of the land and interests appurtenant to the land described in the description and unless it contains,

What declaration must contain

- (a) a statement of intention that the land and interests appurtenant to the land described in the description be governed by this Act;
- (b) the consent of all persons having registered encumbrances against the land or interests appurtenant to the land described in the description;
- (c) a statement, expressed in percentages, of the proportions of the common interests;
- (d) a statement, expressed in percentages allocated to the units, of the proportions in which the owners are to contribute to the common expenses; and
- (e) an address for service.

(2) In addition to the matters mentioned in subsection 1, a declaration may contain,

What declaration may contain

- (a) a specification of common expenses;
- (b) a specification of any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) provisions respecting the occupation and use of the units and common elements;
- (d) provisions restricting gifts, leases and sales of the units and common interests;

- (e) a specification of the number, qualification, nomination, election, term of office, compensation and removal of members of the board, and the meetings, quorum, functions and officers of the board;
- (f) a specification of duties of the corporation consistent with its objects;
- (g) a specification of the majority required to make by-laws of the corporation;
- (h) provisions regulating the assessment and collection of contributions towards the common expenses;
- (i) a specification of the majority required to make substantial changes in the common elements and the assets of the corporation;
- (j) a specification of any provision requiring the corporation to purchase the units and common interests of any dissenters after a substantial addition, alteration or improvement to or renovation of the common elements has been made or after the assets of the corporation have been substantially changed;
- (k) a specification of any allocation of the obligations to repair and to maintain the units and common elements;
- (l) a specification of the percentage of substantial damage to the buildings and a specification of the majority required to authorize repairs under section 17;
- (m) a specification of the majority required for a sale of the property or of part of the common elements;
- (n) a specification of the majority required for the termination of the government of the property by this Act;
- (o) any other matters concerning the property.

**Amendment
of
declaration**

- (3) All the owners and all persons having registered encumbrances against the units and common interests may amend the declaration.

Registration

- (4) When a declaration is amended, the corporation shall register a copy of the amendment executed by all the owners and all persons having registered encumbrances against the units and common interests, and until the copy is registered the amendment is ineffective.

4.—(1) A description shall contain,

What
description
must
contain

- (a) a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings;
- (b) structural plans of the buildings;
- (c) a specification of the boundaries of each unit by reference to the buildings;
- (d) diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings;
- (e) a certificate of a surveyor that the buildings have been constructed substantially in accordance with the structural plans and that the diagrams of the units are substantially accurate; and
- (f) a description of any interests appurtenant to the land that are included in the property,

prepared in accordance with the regulations.

(2) A description shall not be registered unless it has been approved in accordance with the regulations.

Approval of
description

REGISTRATION

5.—(1) Every master of titles and every registrar of deeds in whose office a declaration and description are registered shall keep an index in the prescribed form to be known as the "Condominium Corporations Index".

Index

(2) Where a land titles office is combined with a registry office, one index under subsection 1 shall be kept for all declarations and descriptions registered in the combined offices.

Combined
offices

(3) Every master of titles and every registrar of deeds in whose office a declaration and description are registered shall keep a register in the prescribed form to be known as the "Condominium Register".

Condomin-
ium
Register

(4) Declarations, descriptions, by-laws, notices of termination and other instruments respecting land governed by this Act shall be registered and recorded in the Condominium Register in accordance with this Act and the regulations but, except as otherwise provided by this Act and the regulations, *The Land Titles Act* or *The Registry Act*, as the case may be, applies in respect of property governed by this Act.

This Act to
govern
registrations,
etc.

R.S.O. 1960,
cc. 204, 348

UNITS AND COMMON ELEMENTS

Nature
of units and
common
interests

6.—(1) Units and common interests are real property for all purposes.

Ownership
of units

(2) Subject to this Act, the declaration and the by-laws, each owner is entitled to exclusive ownership and use of his unit.

Dangerous
activities

(3) No condition shall be permitted to exist and no activity shall be carried on in any unit or the common elements that are likely to damage the property.

Right to
enter

(4) The corporation or any person authorized by the corporation may enter any unit at any reasonable time to perform the objects and duties of the corporation.

Ownership
of common
elements

7.—(1) The owners are tenants in common of the common elements.

Common
interests

(2) An undivided interest in the common elements is appurtenant to each unit.

Proportions

(3) The proportions of the common interests are those expressed in the declaration.

Use of
common
elements

(4) Subject to this Act, the declaration and the by-laws, each owner may make reasonable use of the common elements.

Ownership
not to be
separated

(5) The ownership of a unit shall not be separated from the ownership of the common interest, and any instrument that purports to separate the ownership of a unit from a common interest is void.

No division

(6) Except as provided by this Act, the common elements shall not be partitioned or divided.

Encum-
brances not
enforceable

(7) No encumbrance is enforceable against the common elements after the declaration and description are registered.

Saving

(8) Where but for subsection 7 an encumbrance would be enforceable against the common elements, the encumbrance is enforceable against all the units and common interests.

Discharge

(9) Any unit and common interest may be discharged from such an encumbrance by payment to the claimant of a portion of the sum claimed determined by the proportions specified in the declaration for sharing the common expenses.

Idem

(10) Upon payment of a portion of the encumbrance sufficient to discharge a unit and common interest, and upon

demand, the claimant shall give to the owner a discharge of that unit and common interest in accordance with the regulations.

(11) For the purposes of municipal assessment and taxation, ^{Assessment} each unit and common interest constitute a parcel, and the common elements do not constitute a parcel.

(12) For the purpose of determining liability resulting from ^{Where} breach of the duties of an occupier of land, the corporation ^{corporation} shall be deemed to be the occupier of the common elements ^{deemed to be occupier} and the owners shall be deemed not to be occupiers of the common elements.

EASEMENTS

8.—(1) The following easements are appurtenant to each ^{Easements} unit: ^{appurtenant to units}

1. Where a building or any part of a building,

- (a) moves after registration of the declaration and description; or
- (b) after having been damaged and repaired, is not restored to the position occupied at the time of registration of the declaration and description,

an easement for exclusive use and occupation in accordance with this Act, the declaration and the by-laws, over the space of the other units and common elements that would be space included in the unit if the boundaries of the unit were determined by the position of the buildings from time to time after registration of the description and not at the time of registration.

2. An easement for the provision of any service through any installation in the common elements or any other unit.

3. An easement for support by the common elements and any other unit capable of providing support.

(2) The following easements are appurtenant to the common elements: ^{Easements} ^{appurtenant to common elements}

- 1. An easement for the provision of any service through any installation in any unit.
- 2. An easement for support by any unit capable of providing support.

CORPORATION

- Creation** **9.**—(1) The registration of a declaration and description creates a corporation without share capital whose members are the owners from time to time.
- Name of corporation** (2) When a declaration and description are registered, the master of titles or registrar of deeds in whose office they are registered shall assign a name to the corporation in accordance with the regulations.
- R.S.O. 1960, cc. 71, 72 do not apply** (3) *The Corporations Act* and *The Corporations Information Act* do not apply to the corporation.
- Objects** (4) The objects of the corporation are to manage the property and any assets of the corporation.
- Board of directors** (5) The affairs of the corporation shall be managed by a board of directors, consisting of three persons or such greater number as the declaration or by-laws may provide, elected by the members of the corporation.
- Term** (6) The term of the members of the board shall be three years or such lesser period as the declaration or by-laws may provide, but the members of the board may continue to act until their successors are elected, and members are eligible for re-election.
- Vacancies** (7) If a vacancy in the membership of the board occurs, a new member shall be elected by the members of the corporation.
- Quorum** (8) A quorum for the transaction of business is a majority of the members of the board or such greater number as the declaration or by-laws may provide.
- Defects** (9) The acts of a member of the board or an officer of the board are valid notwithstanding any defect that may afterwards be discovered in his election or qualifications.
- Officers and executive** (10) The declaration or the by-laws may specify and regulate the qualification, nomination, election, compensation and removal of members of the board, and the meetings, functions and officers of the board.
- Records** (11) The corporation shall keep adequate records, and any member of the corporation may inspect the records on reasonable notice and at any reasonable time.
- Duty to effect compliance** (12) The corporation has a duty to effect compliance by the owners with this Act, the declaration and the by-laws.

(13) The declaration or the by-laws may specify duties of ^{Duties} the corporation consistent with its objects.

(14) Each member of the corporation, and each person ^{Right to performance of duties} having an encumbrance against a unit and common interest, has the right to the performance of any duty of the corporation specified by this Act, the declaration and the by-laws.

(15) The corporation may own, acquire, encumber and ^{Real and personal property} dispose of real and personal property for the use and enjoyment of the property.

(16) The members of the corporation share the assets of ^{Interest in assets} the corporation in the same proportions as the proportions of their common interests in accordance with this Act, the declaration and the by-laws.

(17) A judgment for the payment of money against the ^{Judgments against corporation} corporation is also a judgment against each owner at the time the cause of action arose for a portion of the judgment determined by the proportions specified in the declaration for sharing the common expenses.

(18) Any action with respect to the common elements may ^{Actions by corporation respecting common elements} be brought by the corporation and a judgment for the payment of money in favour of the corporation in such an action is an asset of the corporation.

(19) When the owners and the property cease to be ^{Termination} governed by this Act,

(a) the assets of the corporation shall be used to pay any claims for the payment of money against the corporation;

(b) the remainder of the assets of the corporation shall be distributed among the members of the corporation in the same proportions as the proportions of their common interests.

BY-LAWS

10.—(1) The corporation may, by a vote of members who ^{By-laws} own 66⅔ per cent, or such greater percentage as is specified in the declaration, of the common elements, make by-laws,

- (a) governing the management of the property;
- (b) governing the use of units or any of them for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and other units;
- (c) governing the use of the common elements;
- (d) regulating the maintenance of the units and common elements;
- (e) governing the use and management of the assets of the corporation;
- (f) respecting the board;
- (g) specifying duties of the corporation;
- (h) regulating the assessment and collection of contributions towards the common expenses;
- (i) respecting the conduct generally of the affairs of the corporation.

By-laws
must be
reasonable

(2) The by-laws shall be reasonable and consistent with this Act and the declaration.

Registration

(3) When a by-law is made by the corporation, the corporation shall register a copy of the by-law together with a certificate executed by the corporation that the by-law was made in accordance with this Act, the declaration and the by-laws, and until the copy and certificate are registered the by-law is ineffective.

RULES GOVERNING USE OF COMMON ELEMENTS

House
rules

11.—(1) The by-laws may provide for the making of rules by the owners respecting the use of the common elements for the purpose of preventing unreasonable interference with the use and enjoyment of the units and common elements.

Idem

(2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws.

Compliance
and
enforcement

(3) The rules shall be complied with and enforced in the same manner as the by-laws.

OBLIGATIONS OF OWNERS

Obligations
and rights
of owners,
etc.

12.—(1) Each owner is bound by and shall comply with this Act, the declaration and the by-laws.

(2) Each owner has a right to the compliance by the other owners with this Act, the declaration and the by-laws. Idem

(3) The corporation, and any person having an encumbrance against any unit and common interest, has a right to the compliance by the owners with this Act, the declaration and the by-laws. Right of corporation and encumbrancers

13.—(1) The owners shall contribute towards the common expenses in the proportions specified in the declaration. Duty of owners to contribute to common expenses

(2) The assessment and collection of contributions towards the common expenses may be regulated by the declaration or the by-laws. Assessment and collection

(3) The obligation of an owner to contribute towards the common expenses shall not be avoided by waiver of the right to use the common elements or by abandonment. No avoidance

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses, the corporation, upon registration of a notice of lien in the prescribed form, has a lien for the unpaid amount against the unit and common interest of that owner. Lien

(5) The lien may be enforced in the same manner as a mortgage. How enforceable

(6) Upon payment of the unpaid amount and upon demand, the corporation shall give the owner a discharge in the prescribed form. Discharge

MODIFICATIONS OF COMMON ELEMENTS AND ASSETS

14.—(1) The corporation may by a vote of members who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements make any substantial addition, alteration or improvement to or renovation of the common elements or may make any substantial change in the assets of the corporation, and the corporation may by a vote of a majority of the members make any other addition, alteration or improvement to or renovation of the common elements or may make any other change in the assets of the corporation. Substantial alterations

(2) The cost of any addition, alteration or improvement to or renovation of the common elements and the cost of any substantial change in the assets of the corporation are common expenses. Cost

Dissenters (3) The declaration may provide that if any substantial addition, alteration or improvement to or renovation of the common elements is made, or if any substantial change in the assets of the corporation is made, the corporation must, on demand of any owner who dissented, purchase his unit and common interest.

Arbitration (4) Where the corporation and the owner who dissented do not agree as to the purchase price, the owner who dissented may elect to have the fair market value of his unit and common interest determined by arbitration under *The Arbitrations Act* by serving a notice to that effect on the corporation.

R.S.O. 1960,
c. 18

INSURANCE

Duty to insure **15.**—(1) A corporation shall insure its liability to repair the property after damage resulting from fire, tempest or other casualty to the extent required by the declaration or the by-laws.

Saving (2) Subsection 1 does not restrict the capacity of any person to insure otherwise than as provided in that subsection.

REPAIRS AND MAINTENANCE

**Interpre-
tation** **16.**—(1) For the purposes of this Act, the obligation to repair after damage and to maintain are mutually exclusive, and the obligation to repair after damage does not include the repair of improvements made to units after registration of the declaration and description.

Duty to repair (2) Subject to section 17, the corporation shall repair the units and common elements after damage.

Maintenance of common elements (3) The corporation shall maintain the common elements.

Maintenance of units (4) Each owner shall maintain his unit.

Declaration may provide otherwise (5) Notwithstanding subsections 2, 3 and 4, the declaration may provide that,

(a) each owner shall, subject to section 17, repair his unit after damage;

(b) the owners shall maintain the common elements or any part of the common elements; or

(c) the corporation shall maintain the units.

Where corporation to make repairs for owners (6) The corporation shall make any repairs that an owner is obligated to make and that he does not make within a reasonable time.

(7) An owner shall be deemed to have consented to have repairs done to his unit by the corporation. Consent

WHERE DAMAGE OCCURS

17.—(1) Where damage to the buildings occurs, the board shall determine within thirty days of the occurrence whether there has been substantial damage to 25 per cent, or such greater percentage as is specified in the declaration, of the buildings. Determination of damage

(2) Where there has been a determination that there has been substantial damage to 25 per cent, or such greater percentage as is specified in the declaration, and owners who own 80 per cent of the common elements, or such greater percentage as is specified in the declaration, vote for repair within sixty days of the determination, the corporation shall repair. Vote for repair

TERMINATION

18.—(1) Where on a vote the owners do not vote for repair, the corporation shall, within ten days of the vote, register a notice of termination in the prescribed form. Termination by notice after substantial damage

(2) Where there has been no vote within sixty days of the determination that there has been substantial damage under subsection 1 of section 17, the corporation shall, within ten days after the expiry of the 60-day period, register a notice of termination in the prescribed form. Idem

(3) Upon the registration of a notice of termination under subsection 1 or 2, Effect of registration of notice

- (a) the government of the property by this Act is terminated;
- (b) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;
- (c) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;
- (d) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description, and have the same priority they had before the registration of the notice of termination; and

- (e) all claims against the property created after the registration of the declaration and description, other than the encumbrances mentioned in clause *d*, are extinguished.

Termination
by sale

19.—(1) Sale of the property or any part of the common elements may be authorized,

- (a) by a vote of owners who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description.

Execution
of con-
veyance

(2) A deed or transfer shall be executed by all the owners and a release or discharge shall be given by all the persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description.

Effect of
registra-
tion of
conveyance

(3) Upon the registration of the instruments mentioned in subsection 2,

- (a) the government of the property or of the part of the common elements by this Act is terminated;
- (b) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered; and
- (c) claims against the property or the part of the common elements created after the registration of the declaration and description are extinguished.

Proceeds

(4) Subject to subsection 5, the owners share the proceeds of the sale in the same proportions as their common interests.

Rights of
dissenters

(5) Where a sale is made under this section, any owner who dissented may elect to have the fair market value of the property at the time of the sale determined by arbitration under *The Arbitrations Act* by serving notice to that effect on the corporation within ten days after the vote, and the owner who served the notice is entitled to receive from the proceeds of the sale the amount he would have received if the sale price had been the fair market value as determined by the arbitration.

R.S.O. 1960,
c. 18

(6) Where the proceeds of the sale are inadequate to pay the amount determined under subsection 5, each of the owners who voted for the sale is liable for a portion of the deficiency determined by the proportions of their common interests. ^{Where proceeds inadequate}

20.—(1) Termination of the government of the property by this Act may be authorized, ^{Termination by notice without sale}

- (a) by a vote of owners who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property created after the registration of the declaration and description.

(2) Where termination of the government of the property by this Act is authorized under subsection 1, the corporation shall register a notice of termination in the prescribed form, executed by all the owners and all the persons having registered claims against the property created after the registration of the declaration and description. ^{Registration of notice}

(3) Upon registration of a notice of termination under subsection 2, ^{Effect of registration}

- (a) the government of the property by this Act is terminated;
- (b) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;
- (c) claims against the land and the interests appurtenant to the land described in the description created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;
- (d) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description and have the same priority as they had before the registration of the notice of termination; and
- (e) all other claims against the property created after the registration of the declaration and description are extinguished.

Termination
by S.C.O.

21.—(1) A corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the Supreme Court for an order terminating the government of the property by this Act.

Order

(2) The Court may order that the government of the property by this Act be terminated if the Court is of the opinion that the termination would be just and equitable, and, in determining whether the termination would be just and equitable, the Court shall have regard to,

- (a) the scheme and intent of this Act;
- (b) the probability of unfairness to one or more owners if termination is not ordered; and
- (c) the probability of confusion and uncertainty in the affairs of the corporation or the owners if termination is not ordered.

Ancillary
matters

(3) Where an order of termination is made under subsection 2, the Court may include in the order any provisions that the Court considers appropriate in the circumstances.

VOTING BY MORTGAGEES

Rights of
mortgagees

22. Where a mortgage or charge of a unit and common interest contains a provision that authorizes the mortgagee or chargee to exercise the right of the owner to vote or to consent, the mortgagee or chargee may exercise the right, and, where two or more such mortgages or charges contain such a provision, the right may be exercised by the mortgagee or chargee who has priority.

PERFORMANCE OF DUTIES

Application
for order to
require
performance
of duties

23.—(1) Where a duty imposed by this Act, the declaration or the by-laws is not performed, the corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the Supreme Court for an order directing the performance of the duty.

Idem

(2) The Court may by order direct performance of the duty, and may include in the order any provisions that the Court considers appropriate in the circumstances.

Saving

(3) Nothing in this section restricts the remedies otherwise available for failure to perform any duty imposed by this Act.

APPLICATION OF THE PLANNING ACT

24.—(1) Section 26 and clause *b* of subsection 1 of section 27 of *The Planning Act* do not apply in respect of dealings with units and common interests.

Application of subdivision control
R.S.O. 1960, c. 296

(2) Subject to subsection 3, the provisions of section 28 of *The Planning Act* that apply to plans of subdivision apply *mutatis mutandis* to descriptions under this Act, and a description shall not be registered unless approved or exempted by the Minister of Municipal Affairs.

Approval of descriptions under
R.S.O. 1960, c. 296, s. 28

(3) Before making an application under subsection 1 of section 28 of *The Planning Act*, the owner of a property or someone authorized by him in writing may apply to the Minister to have the description or any part of the description exempted from section 28, or from any provision thereof, and where in the opinion of the Minister such exemption is appropriate in the circumstances, he may grant the exemption.

Exemption

(4) Section 29 of *The Planning Act* does not apply in respect of descriptions made for the purposes of this Act.

R.S.O. 1960, c. 296, s. 29, not to apply

REGULATIONS

25.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) classifying properties for the purposes of the regulations;
- (b) prescribing the duties of officers appointed under *The Land Titles Act* or *The Registry Act* for the purposes of this Act;
- (c) governing the method of describing in instruments a property or any part of a property;
- (d) governing surveys, structural plans, descriptions and diagrams, and prescribing procedures for their registration;
- (e) requiring, in respect of any class of properties, in lieu of or in addition to the requirements of section 4, surveys of the properties showing the units and common elements;
- (f) respecting the registration and recording of declarations, descriptions, by-laws, notices of termination and other instruments;
- (g) respecting the names of corporations;

R.S.O. 1960, cc. 204, 348

R.S.O. 1960,
cc. 204, 348

- (h) respecting additions to the common elements;
- (i) requiring the payment of fees to officers appointed under *The Land Titles Act* or *The Registry Act*, and prescribing the amounts thereof;
- (j) prescribing forms and providing for their use;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application
of
regulations

- (2) Any provision of any regulation may apply to all properties or to any class of properties.

MISCELLANEOUS

Commence-
ment

- 26.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 27.** This Act may be cited as *The Condominium Act, 1967*.

An Act to facilitate the Division of
Properties into Parts that are to be owned
Individually and Parts that are to be owned
in Common, and to provide for the Use and
Management of such Properties

1st Reading

March 22nd, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 65

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

**An Act to facilitate the Division of Properties into Parts
that are to be owned Individually and Parts that are to
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Management of such Properties**

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(Reprinted as amended by the Committee on Legal Bills and Municipal Affairs)

EXPLANATORY NOTES

GENERAL. The word "condominium" has received considerable publicity during the past few years, but the concept that the word denotes with respect to property may not yet be generally understood. The two essential elements of this concept are: first, the division of property into units, to be individually owned, and common elements, to be owned in common by the owners of the units; and, second, an administrative framework to enable the owners to manage the property. An example is a high-rise building containing residential units; each of the units is individually owned, and the remainder of the property, including the roof, the basement, the parking area and the gardens, is owned in common by the owners of the units. Another example is an industrial development including a cluster of small factories; each is individually owned and the remainder of the property, including the service facilities, is owned in common by the owners. In each, an administrative framework enables the owners to manage the property for the common benefit, and each owner must contribute to the common expenses. This concept is indifferent to the use to be made of the property, to the design of the buildings, and to the location of the boundaries between individual and common ownership.

There is a demand for condominium development. The major reasons are probably the high cost of land in urban areas and the appeal of ownership. Condominium provides the amenities of apartment living on a shared cost basis with the advantages of home ownership. As contrasted with co-operative developments this type of ownership provides lower risks and greater flexibility in financing. Lower risks result from the fact that each unit in a condominium is separately taxed and individually financed and accordingly no unit owner is liable on the default of another. Again, because each unit is a separate property interest greater flexibility is achieved in that each owner is able to vary the financing to suit his needs and desires.

Most of the major countries of Western Europe enacted enabling legislation in the period roughly between 1930 and 1955. Many of the countries of South America followed in the next decade. In the United States, in 1961, the National Housing Act was amended to authorize the Federal Housing Authority to guarantee mortgages of condominium units. This amendment prompted an outburst of legislative activity, and now all but one of the States have enabling legislation. In the British Commonwealth, New South Wales enacted the Strata Titles Act in 1961, and British Columbia and Alberta enacted substantially similar statutes in 1966.

An obvious question to be faced at the outset is whether the enabling legislation for condominium development is necessary. The existing common law and legislation present formidable difficulties: the general prohibition of positive covenants running with the land makes the imposition of obligations on subsequent purchasers awkward or impossible; the rules of future interests limit and complicate provisions for the eventual termination of the interests of the owners; the attitude of the common law towards the ownership and subdivision of space may not be entirely clear; descriptions of cubes of space are more easily imagined than prepared; municipal taxes would probably be assessed against the property owned in common as one parcel, impairing the advantage of financial independence that might be expected to accompany ownership; mechanics' liens against the property owned in common would have the same effect; and, finally, the express provisions of planning restrictions on the subdivision of land would probably apply, even though the spirit might not.

These difficulties are not necessarily insurmountable. In many jurisdictions, particularly in England, the essential objectives have been achieved without enabling legislation, but the developments have presented a variety of weaknesses. In all, the techniques and the documents are complex and cumbersome, and some of the techniques are not suitable for large developments. In some developments, the interest of the owner is a long-term lease, an interest that is probably not suitable for the

North American housing market. None avoid the financial interdependence involved in municipal taxes and mechanics' liens. Despite the demand for condominium development, there has been virtually none in Ontario. This alone may be evidence of a need for legislation.

Enabling legislation will avoid some of the particular difficulties raised by the existing law and, perhaps more important, will present a relatively simple and comprehensive framework for development.

The following is a summary of the Bill.

The owner in fee simple of land may invoke the Act by registering a declaration and description. The land is divided into units and common elements by the description. The units are to be individually owned; appurtenant to each is an undivided share in the common elements, and the proportions of the shares are specified in the declaration. The major terms that govern the owners and the property are specified in the Act and the declaration, and the declaration cannot be amended except by unanimous consent. The details of government are left to be specified in by-laws, which are made and may only be amended by a vote of members who own 66⅔ per cent of the common elements, or such greater percentage as is specified in the declaration. The by-laws may also provide for the making of rules by the owners for the purpose of preventing unreasonable interference with the use and enjoyment of the property. These rules must be reasonable and consistent with the Act, the declaration, and the by-laws. A corporation without share capital, of which the members are the owners of the units, is automatically formed upon the registration of the declaration and description. This corporation is responsible for the performance of the functions of common concern. Of course, these functions cost money, and the owners must contribute to the cost in proportions specified in the declaration. Each owner is responsible for the maintenance of his own unit, and the corporation is responsible for the maintenance of the common elements and the repair of the entire property, although some of these obligations may be modified in the declaration. If there is extensive damage to the entire property, the owners who own 80 per cent of the common elements or such greater percentage as is specified in the declaration may vote to have the property repaired. Failing such a vote the owners become tenants in common of the land and interests appurtenant to the land. The assets of the corporation are distributed amongst the owners and the Act ceases to govern the property. A substantial majority of the owners may elect to sell the entire property or part of the common elements, or to withdraw the property from the provisions of the Act. The Act imposes some essential restrictions on the use of the property and none on design.

The declaration and by-laws may control occupation and use, but any racial discrimination provision must not, of course, contravene *The Ontario Human Rights Code, 1961-62*. Planning restrictions will undoubtedly affect both use and design.

SECTION 1—Subsection 1, Clause *e*. The common elements are the part of the property owned in common by the owners of the units. There is no compelling reason to add a list of examples, but two particular elements of the property might have been included in the common elements and excepted from the units: major structural elements, and facilities for the provision of services to other units or to the common elements. The justification for the inclusion would be that no owner should have control over these elements and the power arbitrarily to injure the others. The inclusion would necessarily be made in general terms, and questions of boundaries and ownership should not be left to the interpretation of general terms. The possibility of abuse can be controlled by other techniques: the obligations to repair and the easements for support are adequate protection concerning the major structural elements, and easements are adequate protection concerning facilities for the provision of services.

Subsection 1, Clause *f*. The common expenses are the expenses of performance of the functions of common concern. The definition is in terms of expenditures. Although the owners must make contributions

towards the common expenses, the total of their contributions need not necessarily be equal to the common expenses, for there may be income from other sources; for example, rent from units acquired through exercise of a restriction on sale or enforcement of the lien to secure the claim for contributions towards the common expenses.

The possibility of designating common expenses in the declaration will probably be rarely used, but is included to provide flexibility.

Subsection 1, Clause *l*. The owners of the units and common interests have a variety of rights and duties that are imposed by the Act, the declaration and the by-laws. The definition recognizes the possibility that there may be as many estates and interests in a unit and common interest as in any other real property, and that ownership may be divided.

Subsection 1, Clause *n*. The property is the property from which the units and common elements are carved.

Subsection 1, Clause *r*. The term "unit" is selected for reasons that are essentially negative; it has few, if any, familiar or particular connotations. "Lot" is associated with a two-dimensional parcel included in a traditional plan of subdivision, and "apartment" suggests residential use.

The owner of a unit owns space, the boundaries of which are specified in the description, and the material parts of the land within the space at the time of the registration of the declaration and description. Two alternative interests or combinations of interests might have been specified: first, an exclusive easement or similar right to use, but not ownership, and, second, ownership of material parts of the land, an exclusive easement for the space occupied by these parts, and an exclusive easement or similar right to use the enclosed space. Neither of these possibilities is preferable to the interest contemplated by the definition, and the possibility of confusion and uncertainty precludes permitting a choice among alternatives.

Most of the statutes of other jurisdictions impose limitations on the design of the units, either expressly or by implication. Often, the units must be included in buildings. This definition and the remainder of the Act impose no limitations; a patio, a balcony, a loading area or a parking space may be included in a unit. Obviously, however, planning restrictions and the market will impose limitations.

SECTION 1—Subsection 2. This section probably does no more than state the common law conception of the ownership of land, but the ownership of space is vital to the scheme of the Act, and there must be no possibility of doubt.

SECTION 2—Subsections 1 and 2. The property may consist only of land and interests appurtenant to the land, and only the owner or owners in fee simple of the land may register the declaration and description and invoke the Act. A lessee, for example, may not. Some of the major advantages of the condominium concept would not be available if the property was a leasehold, and existing institutions and techniques probably permit lessees to achieve substantially the same objectives that the Act could offer.

Interests appurtenant to the land include, for example, restrictive easements and easements benefiting the land.

Subsection 4. This subsection is a consequence of the requirement that only the owner or owners in fee simple of the land may register the declaration and description, and is designed to simplify searches of title.

Subsection 5. The registration of the declaration and description invokes the Act.

SECTION 3—Subsection 1. The declaration, together with the Act, is, in effect, a constitution. The matters that must be included are, together with the Act, the essential minimum.

Subsection 1, Clause *b*. The property may be subject to a variety of claims at the time of the registration of the declaration and description. There is no necessity for a requirement of the consent of the owners of all these claims, but the consent of the owners of the claims that will be prejudiced by registration is undoubtedly justifiable. The only provisions prejudicing claims existing at the time of registration are contained in section 7 (5), which prohibits separating the ownership of a unit and common interest, section 7 (6), which prohibits partitioning or dividing the common elements, and section 7 (7), which prohibits enforcing an encumbrance against the common elements. These subsections all reflect the same general objective, and all prejudice the enforcement of encumbrances, albeit only slightly. Unregistered claims are excluded to enable a determination to be made from public records whether the requirements for invoking the Act have been fulfilled.

Subsection 1, Clause *c*. The proportions of the common interests determine the distribution of the property among the owners after termination and the voting power for major decisions. No standard is specified according to which the proportions are to be determined, although an estimate of the value that the units would otherwise have will usually be the standard that is adopted.

Subsection 1, Clause *d*. The statutes of most other jurisdictions provide that the proportions for sharing the common expenses are to be the proportions of the common interests. The factors that might be considered in determining these two sets of proportions may be different, and discretion to specify different proportions provides flexibility, although in most developments the two will probably be the same.

Subsection 2. The owner or owners by whom the declaration and description are registered have discretion to add matters to the declaration.

Subsection 2, Clause *b*. Parts of the common elements, which for purpose of convenience can be called "limited common elements", may be restricted to use by some, or one, of the owners. For example, a high-speed elevator to the top floor of a high-rise building might be limited to use by the owners of units on that floor, or a small swimming pool might be limited to use by the owners in one wing of a building. The owner of a unit might be permitted exclusive use of a balcony, a patio or a parking space. These areas might also be included in the unit and the respective merits of these two alternatives may vary with different kinds of developments.

Subsection 2, Clauses *c* and *d*. The owners and the units are inevitably interdependent; a basic minimum of co-operation is necessary, and the common expenses must be shared. No precise terms of the basis for restriction are specified but if a restriction is to be included perhaps the most acceptable between control and marketability would be based on a right of first refusal given to the corporation.

Subsection 2, Clause *j*. The search for a happy balance between discretion and control is a difficult undertaking, but this discretion is necessary. There are many details that may vary from development to development that the Act cannot encompass, and the future may bring unanticipated tastes and techniques.

Subsection 3. Provision must be made for amending the declaration, but since the terms are of vital economic and personal concern to each owner, the consent of all is required. Again, only the consent of the owners of the claims that will be prejudiced by the amendment is necessary. Only encumbrances are, or may be, prejudiced, and unregistered encumbrances are excluded.

Subsection 4. The requirement of registration ensures a public record of all amendments.

SECTION 4—Subsection 1. The major objectives are to describe the land and any interests appurtenant to the land, and to describe the units. The common elements are, by definition, all the property except the units. The land and the interests appurtenant to the land are described by familiar techniques. The units are described by reference to the buildings; that is, the buildings are the monuments by reference to which the boundaries of the units are specified. The details of the requirements for the description will be specified by the regulations.

Subsection 1, Clause *a.* The survey of the land is essential. The buildings must be included to provide a framework for the description of the units and a means of ensuring that the boundaries of the units are within the boundaries of the land; as well, the single survey will provide a convenient means of determining questions concerning encroachments and zoning by-laws.

Subsection 1, Clause *b.* The structural plans are required to provide a framework for the specification of the boundaries of the units and the diagrams of the units, and to ensure that plans will be available for repairs or reconstruction. If the building is a new one, the plans may simply be derived from the plans used for construction. If the building has been in existence for some time, the plans may have to be prepared.

Subsection 1, Clause *c.* The boundaries of the units are described by reference to the buildings; for example, the boundaries of a unit might be the planes of the interior surfaces of the perimeter walls, floor and ceiling. This technique is hardly novel, although its use in the contexts of registration and ownership is unfamiliar. A survey would usually be expensive and unnecessary.

Subsection 1, Clause *d.* These diagrams are simple drawings, and are intended to provide a convenient reference.

Subsection 1, Clause *e.* The certificate is required to ensure that the structural plans of the building are sufficiently accurate to enable restoration after damage, to ensure that the monuments by reference to which the units are described can be easily located and have substantially the same relations and dimensions in fact as in the plans, and to ensure that the buildings are completed before the Act is invoked. The buildings must be completed to avoid the possibility of hopeless confusion. If the Act could be invoked before or during construction, and if several units were sold when finished and the remainder were never finished, the proportions of common interests and for sharing common expenses would be meaningless, and no happy resolution of the difficulty can easily be made available.

Subsection 1, Clause *f.* These interests will be described by familiar techniques.

Subsection 2. The requirement of approval is justified by the unusual nature and the potential complexity of the description.

SECTION 5—Subsection 4. The overwhelming majority of instruments affecting the property will deal with the units and common interests. These instruments do not fit comfortably into the traditional frameworks of abstract indices, registers and parcels. Appropriate variation in these frameworks will be made in the regulations, based primarily upon the concept of each unit and common interest as a separate parcel.

SECTION 6—Subsection 1. This subsection and subsection 2 are technically unnecessary, for the units must be parts of the land described in the description, but the objectives of the Act should be stated simply and clearly.

Subsection 3. The units are inevitably interdependent, and this subsection and subsection 4 are a reflection of this interdependence.

SECTION 7—Subsection 4. The right of the owners to use the common elements is limited: one owner cannot make unreasonable impositions on the others. The word "reasonable" is indefinite, but an attempt to be precise would be futile, and the standard is probably easier to apply in a particular fact situation than it is to discuss generally.

Subsections 5 and 6. The prohibitions in these subsections are essential. Separation of the ownership of a unit and common interest could achieve no useful or justifiable purpose, and would create an extremely complex tangle. Any division of the common elements might result in a paralysis of the property: the units might be useless without the right to use the common elements.

Subsection 7. The prohibitions in subsections 5 and 6 and the interest in the financial independence of the units demand that no encumbrance be enforced against the common elements.

Subsection 8. Instead of a claim against the common elements, the Act gives a claim against virtually the same security, and perhaps more. An encumbrance that could, but for the prohibition, be asserted against the common elements, may be asserted against the units and common interests.

Subsection 9. The interest in the financial independence of the units demands that each owner have the power to discharge his unit and common interest from the encumbrance by payment of a portion of the amount claimed. The portion is determined by the proportions for sharing the common expenses.

Subsection 11. The prohibitions in subsections 5 and 6 and the interest in the financial independence of the units require a modification of the established patterns of municipal taxation. Without this subsection, the common elements would probably be a parcel; instead, the units and common interests are parcels. The interests in the common elements, and not the common elements, are taxable property.

Subsection 12. The problem of occupier's liability is complex, and the possibility of accidents in the common elements exposes the complexities in an extreme form. This subsection is designed to simplify the problems without effecting a substantial amendment of common law principles.

SECTION 8—Subsection 1, Paragraph 1. The boundaries of the space included in the units are fixed at the time the declaration and description are registered; the material parts of the land that are included in the units are those that are included in this space at the time of registration. The buildings may sway or settle, and repairs may not restore the material elements to the original position. Where the boundaries of a unit are closely associated with parts of a building that are not in the original position, a trespass or several trespasses may occur. These easements are designed to take account of this possibility. The effect is simply that "the shadow follows the bear", and that there is an easement for exclusive use and occupation over the space that would be included in each unit if the boundaries were not fixed at the time of registration, but changed position as the monuments according to which they were specified changed position. This technique of determining the location of the easement will provide for virtually all possibilities, for virtually always a change in the position of a material part that results in a trespass or the possibility of a trespass will be or include a corresponding change in the monument according to which the boundary that is or may be exceeded was specified. In bizarre situations, in which there are possibilities that would not be provided for by this easement, appropriate easements can be included in the declaration.

Subsection 1, Paragraph 2. The Act imposes no limitations on the location of the boundaries of the units, and, therefore, there is a possibility that installations through which services are supplied to one unit may be included in another. This easement, coupled with the obligations concerning repairs, precludes the one owner from being deprived of services by the other.

Subsection 1, Paragraph 3. The easement for support may not accomplish any more than the obligations concerning repair, but is included for certainty.

SECTION 9—Subsection 1. A corporation without share capital is the most simple and convenient form in which the owners collectively can perform the functions of common concern.

Subsection 2. The name of the corporation will be based primarily on a number. Of course, the owner or owners by whom the declaration and description are registered may coin a more romantic name for the development for other purposes.

Subsection 4. This general statement of the objects of the corporation is designed to permit any undertaking that legitimately concerns the property and the common interests of the owners.

Subsection 5. The board and the minimum requirements specified in this subsection and subsections 4 to 7 are vital, and cannot be left entirely to the declaration and by-laws.

Subsection 10. The nature of developments will differ greatly, and the Act cannot specify one form for all; furthermore, there will be many details that can and should be subject to amendment by some majority, and not the unanimous consent required for amendment of the declaration.

Subsection 11. These provisions might have been left to the declaration or the by-laws, but seem sufficiently important to be established in the Act.

Subsection 12. The corporation is responsible for the general supervision of the affairs of the owners. The duty is to each of the owners and to persons having encumbrances against the units and common interests.

Subsection 13. The power to specify duties is given for flexibility.

Subsection 14. The owners are given this right because of their intense concern with the functions of the corporation. The reason for including persons having encumbrances is derived primarily from a concern with mortgages (and charges). There are two general factors that make mortgages of the units and common interests different from mortgages of conventional property, and that may impair the security: the ownership of common elements is divided among all the owners, and the owners collectively have a vital interest in controlling the property and the individual owners. If the security is unattractive, loans will simply not be made, at least not readily and not at conventional rates of interest. This subsection gives mortgagees some leverage and control over the management of the property.

Subsection 15. Only land and interests appurtenant to the land may be included in the property. A developer may wish to give prospective owners the benefit of property interests that may not be included in the property, for example, a lease of a small golf course. One method of achieving this practice is to convey the interests to the corporation.

The corporation may own a variety of incidental items, and may acquire a unit and common interest through enforcement of the lien for unpaid common expenses or exercise of a restriction on gifts, leases or sales.

Subsection 17. The corporation is created for the administrative convenience of the owners. It is not a commercial or business enterprise, and its activities and commitments are for the sole benefit of the owners, but it will have few, if any, assets. Therefore personal liability is imposed on the owners, although for only a portion of a judgment, determined by the proportions for sharing the common expenses.

Subsection 18. This subsection is included entirely for procedural convenience.

SECTION 10—Subsection 1. Requirements and tastes differ and change; the Act cannot specify every detail for every development, and considerable discretion must be left to the owner or owners who register the declaration and description and to the subsequent owners. The

Act and the declaration specify the major elements of the framework that governs the owners and the property, and the declaration cannot be amended except by unanimous consent. There are many details that must be determined, but that are not of the same fundamental nature and for which less rigorous requirements for amendment are appropriate. These details may be specified in by-laws.

The choice of particular minimum majority is difficult and perhaps essentially arbitrary. 66½ per cent is chosen to balance the competing interests of stability and flexibility. The voting power is allocated according to the proportions of the common interests to recognize the economic stake of the owners in the property.

The scope of the by-laws is sufficiently broad to include any subjects of common concern to the owners that are not determined by the Act or the declaration, or that are not expressly excepted.

Subsection 1, Clauses *b* and *c*. The declaration may include any provisions respecting use and occupation. The scope of the by-laws is limited: the use of the common elements may be regulated, but not occupation. The use of the units may be regulated only for a limited purpose: to control anti-social or annoying conduct.

Subsection 1, Clause *d*. The obligations concerning maintenance are primarily determined by section 16. This power permits the details, particularly the standard, to be determined by by-laws.

Subsection 2. The qualification of "reasonableness" imposed on changes by the owners is intended to protect a minority from unfair treatment by a majority. The qualification is obviously indefinite, but, again, any attempt to design a more precise one would be futile, and the standard of reasonableness is probably much easier to apply in a specific situation than to discuss generally.

Subsection 3. The requirement of registration is designed to provide a formal, public record of the change. The certificate is required for convenience.

SECTION 11. The owners may wish to impose minor rules of conduct on the use of the common elements, particularly in large projects. This kind of regulation is not appropriate to the by-laws. This section provides for the establishment by the by-laws of a method in which these rules of conduct can be made in a more informal fashion. The informality and the possibility of change by a simple majority are controlled by the limited scope of the power.

SECTION 12—Subsection 1. The problems of positive covenants running with the land are avoided by legislative fiat.

Subsection 2. The right of each of the owners is justified by the interdependence of the owners and the units; the right to have the duties of the other owners enforced by the corporation may not always be a satisfactory one.

Subsection 3. Obviously, the corporation must have the right to the performance of the duties of the owners, and again, mortgagees are given some leverage and control over the management of the property.

SECTION 13—Subsection 3. The line between abandonment and sale or gift may be difficult to determine in particular situations, but the problem is one that is appropriate for adjudication by the courts.

Subsection 4. Although one of the major objectives of the Act is financial independence of the owners and the units, interdependence is inevitable: the common expenses must be paid, even though an owner defaults. The lien is given to the corporation to diminish this interdependence, and to provide an efficient means of collection.

Subsection 5. The lien is novel, but the novelty is diminished by invoking an established and familiar institution: the mortgage.

SECTION 14—Subsection 1. Section 16 deals with repair and maintenance, that is, with the preservation of the property in the original form. Some owners may wish to undertake substantial changes. The units are the private concern of each owner, but the possibility of changes in the common elements includes the possibility of a conflict. Some owners may wish to have additions made to the land or buildings, they may wish to have improvements made, or they may wish to have complete renovations. Their wishes may be reasonable, but other owners may be strongly opposed. This conflict must be resolved, and the terms of the resolution must inevitably be a reflection of emotional or political attitudes. The Act imposes substantial restrictions on these undertakings. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

The standard "substantial" is indefinite, but again, any attempt to design a more precise one would be futile, and the standard is probably much easier to apply in a particular situation than to discuss generally.

Subsection 2. This subsection is probably not necessary, but is included for clarity and certainty.

Subsection 3. The knowledge that at least 80 per cent of the owners are in favour of the installation of a swimming pool may not be much satisfaction for an owner who loves a garden that will disappear, who does not swim, who is opposed to the noise a pool will create, and who cannot afford to share the cost. The declaration may include the additional protection of requiring the corporation to purchase the unit and common interest of a dissenter.

SECTION 15—Subsection 1. This section concerns insurance against damage to the property. This is undoubtedly one of the most difficult problems of condominium development. The difficulty is created by the inevitable interdependence of the owners and the units, and a conflict of interests each of which must be satisfied.

The interest of the owners in insurance is derived from ownership, and the potential obligation to repair, which may not be coincident with ownership. Protection of these interests by individual policies obtained by each of the owners on each unit and common interest has severe weaknesses. The total cost of the policies would probably be higher than the cost of a single policy on the entire property, and probably some specialized policies would be left to be separately acquired, again, at a relatively high cost. The interdependence of the owners and the units, manifested particularly in the obligations to repair, creates a mutual interest and dependence upon comprehensive insurance coverage and unified control of proceeds, and this interest cannot be satisfied simply by requiring rather than permitting the owners to insure. A master policy on the entire property obtained by the corporation will usually be preferable, and the obligations of the corporation to repair gives it an insurable interest in the entire property. Section 15 (1) permits the obligation to obtain insurance to be imposed on the corporation. The owners may insure as owners, and the doctrine of subrogation will prevent double recovery.

Doubtless most of the units and common interests will be mortgaged (or charged), at least at the outset, and the mortgagee will require insurance protection for the security. A conflict is posed between the interest of the mortgagees or chargees in control of insurance payments after loss in electing payment or reconstruction, and the interest of the owners in unified control. This conflict may be resolved by the use of separate policies on the interests of mortgagees.

SECTION 16—Subsection 1. The interdependence of the owners and the units and common interests requires that obligations be imposed to maintain the property and to repair after damage, and these obligations obviously must be imposed either on the corporation or the owners.

The obligation concerning the common elements must generally be assigned to the corporation; if not, performance of the functions would require the control over the owners that is the essence of the corporation.

There can be at least one exception to this general proposition: the maintenance of limited common elements. The cost of maintenance done by the corporation could be taken into account in determining the proportions for sharing the common expenses, but maintenance by the corporation might be awkward where the limited common elements were closely associated with one unit and restricted to use by the owner of that unit. The Act imposes the obligations of repair and maintenance on the corporation, and permits the declaration to shift the obligation to maintain to the owners.

The units present greater difficulty. Maintenance is substantially a personal concern, and generally should be the responsibility of the owner. Again, there is at least one possible exception: in some projects the boundaries of the units may be the exterior surface of the walls of the building; if so, maintenance of these walls by the corporation may be desirable. The Act imposes the obligation of maintenance on the owner, and permits the declaration to shift the obligation to the corporation.

The imposition of obligations to repair the units after damage is the most difficult problem. Perhaps the natural and instinctive reaction is that the obligation should be imposed on the owner, but strong objections can be made to this scheme. The boundaries between units and between units and the common elements may be planes through parts of the building, and damage may not discriminate according to the boundaries. The task of determining liability and controlling repairs may be formidable, and may involve nothing more than a guess. Section 17 provides that, if there is substantial damage, the owners may choose between termination and repair. To shift from individual to common liability where there has been substantial damage, however the determination is made, seems arbitrary. Presumably, there will be insurance against most damage, obtained by the corporation, the cost of which is a common expense. The cost of repairs is, to the extent of the insurance proceeds, shared among all the owners. To shift from common to individual responsibility when insurance proceeds are exhausted, again, seems arbitrary.

The imposition of the obligation to repair on the corporation avoids these objections, but raises a different problem: the vital distinction between repair and maintenance. These terms considered alone may include a wide range of possible meanings, which may vary according to the context, and which may overlap. The Act specifies that they are mutually exclusive. The obligation to repair is confined to repair of damage, and maintenance is limited to "good housekeeping". The Act imposes the obligation to repair after damage on the corporation, and permits the declaration to shift the obligation to the owners. Of course, if the corporation must repair and damage is caused by the fault of an owner, a claim for indemnity is available; no express provision is required to establish this claim.

SECTION 17—Subsection 1. Damage may be so extensive that repair may not be reasonable. The Act gives the owners a choice, to be made by vote, between termination and repair.

The phrase, "substantial damage" is, of course, indefinite, but there is no better alternative. The objective in determining the specific percentage is to designate the point at which damage may be so disruptive that termination is a reasonable alternative. The figure of 25 per cent may be changed in the declaration.

Subsection 2. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

SECTION 18—Subsection 1. The notice is required to provide a formal, public record of the change.

Subsection 3, Clauses *d* and *e*. Liens against the units and the common interests are preserved as claims against the new interests of the owners. Other claims created after the registration of the declaration and description are extinguished. The possibility of this kind of claim is remote;

an example is a restrictive covenant concerning a unit. To extinguish these claims may seem arbitrary, but to preserve them in any fair and workable scheme is probably impossible; the interests against which they were asserted have vanished.

SECTION 19—Subsection 1. This section permits the owners to sell the property or part of the common elements and terminate the government of the Act. A majority of at least 80 per cent is required, but not unanimity. A minority may protest that they are being deprived of their property by the desires of the majority, but this possibility is preferable to permitting one or a few obstinate owners to veto a reasonable proposal. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

Subsection 1, Clause *b*. These claims will be extinguished, and there is no reason why the consents should not be required. The requirement is limited to registered claims to enable a determination to be made from the public records whether the requirements have been fulfilled.

Subsection 3. To provide a public record of the change, the time at which the terms of the Act cease to govern the property is designated as the time of the registration of the deed or transfer.

Subsection 3, Clause *c*. These terms must contemplate extinguishing the claims created after the registration of the declaration and description because the interests against which they would be asserted are extinguished. There is no provision for a sale of the property governed by the Act by majority vote simply because interest in this possibility is extremely unlikely.

Subsection 5. There are two major possibilities that may prejudice the minority: bad faith and bad judgment of the majority. This provision might have been made an optional feature of the declaration if protection against bad faith would clearly be available in the absence of express protection, and also if the terms of this protection were reasonably clear. Instead, protection is provided against a sale at less than the fair market value regardless of the reason.

SECTION 20—Subsection 1. This section permits the owners to terminate the government of the property by this Act and to become tenants in common. Again, the voting power is allocated according to the proportion of the common interests to recognize the economic stake of the owners in the property.

Subsection 1, Clause *b*. Again, these claims will be extinguished, and there is no reason not to require consent.

Subsection 2. Again, the registration of the notice is required to provide a formal, public record.

SECTION 22. The comments made concerning section 10 (3) described factors that may impair the security of a mortgagee. This subsection recognizes and regulates the probable consequences: mortgagees will demand some control over the administration of the property.

BILL 65

1967

**An Act to facilitate the Division of Properties
into Parts that are to be owned Individually
and Parts that are to be owned in Common,
and to provide for the Use and Management
of such Properties**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) In this Act,

**Interpre-
tation**

- (a) "board" means the board of directors of a corporation;
- (b) "buildings" means the buildings included in a property;
- (c) "by-law" means a by-law of a corporation;
- (d) "claim" includes a right, title, interest, encumbrance or demand of any kind affecting land, but does not include the interest of an owner in his unit and common interest;
- (e) "common elements" means all the property except the units;
- (f) "common expenses" means the expenses of the performance of the objects and duties of a corporation and any expenses specified as common expenses in a declaration;
- (g) "common interest" means the interest in the common elements appurtenant to a unit;
- (h) "corporation" means a corporation incorporated by this Act;

R.S.O. 1960,
c. 204

- (i) "declaration" means the declaration specified in section 3, and includes any amendments;
- (j) "description" means the description specified in section 4;
- (k) "encumbrance" means a claim that secures the payment of money or the performance of any other obligation, and includes a charge under *The Land Titles Act*, a mortgage and a lien;
- (l) "owner" means the owner or owners of the freehold estate or estates in a unit and common interest, but does not include a mortgagee unless in possession;
- (m) "prescribed" means prescribed by the regulations;
- (n) "property" means the land and interests appurtenant to the land described in the description, and includes any land and interests appurtenant to land that are added to the common elements;

R.S.O. 1960,
cc. 204, 348

- (o) "registered" means registered under *The Land Titles Act* or *The Registry Act*;
- (p) "regulations" means the regulations made under this Act;

R.S.O. 1960,
c. 389

- (q) "surveyor" means an Ontario land surveyor registered under *The Surveyors Act*;
- (r) "unit" means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and description are registered.

Ownership
of land

- (2) For the purposes of this Act, the ownership of land includes the ownership of space.

DECLARATION AND DESCRIPTION

Freehold
land only

- 2.—(1) A property shall comprise only freehold land and interests, if any, appurtenant to that land.

Who may
register

- (2) A declaration and description may be registered by or on behalf of the owner in fee simple of the land described in the description.

Land must
be in one
division

- (3) Where the land and the interests appurtenant to the land described in the description are not entirely within one land titles or registry division or not entirely under *The Land Titles Act* or *The Registry Act*, the description shall not be registered.

(4) Where the land described in a description is situate in a provisional judicial district or in a county, part of a county, city or separated town to which *The Land Titles Act* applies, the declaration and description must be registered under that Act. Where land in land titles area R.S.O. 1960, c. 204

(5) Where the land described in a description is situate in a county, part of a county, city or separated town to which *The Land Titles Act* does not apply, a certificate of title under *The Certification of Titles Act* showing the owner by whom the declaration and description are being registered as the owner in fee simple of the land shall be registered under *The Registry Act* before the declaration and description are registered. Where land not in land titles area R.S.O. 1960, cc. 204, 48, 348

(6) Upon registration of a declaration and description, the land and the interests appurtenant to the land described in the description are governed by this Act. Effect of registration

3.—(1) A declaration shall not be registered unless it is executed by the owner or owners of the land and interests appurtenant to the land described in the description and unless it contains, What declaration must contain

- (a) a statement of intention that the land and interests appurtenant to the land described in the description be governed by this Act;
- (b) the consent of all persons having registered encumbrances against the land or interests appurtenant to the land described in the description;
- (c) a statement, expressed in percentages, of the proportions of the common interests;
- (d) a statement, expressed in percentages allocated to the units, of the proportions in which the owners are to contribute to the common expenses; and
- (e) an address for service.

(2) In addition to the matters mentioned in subsection 1, a declaration may contain, What declaration may contain

- (a) a specification of common expenses;
- (b) a specification of any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) provisions respecting the occupation and use of the units and common elements;
- (d) provisions restricting gifts, leases and sales of the units and common interests;

- (e) a specification of the number, qualification, nomination, election, term of office, compensation and removal of members of the board, and the meetings, quorum, functions and officers of the board;
- (f) a specification of duties of the corporation consistent with its objects;
- (g) a specification of the majority required to make by-laws of the corporation;
- (h) provisions regulating the assessment and collection of contributions towards the common expenses;
- (i) a specification of the majority required to make substantial changes in the common elements and the assets of the corporation;
- (j) a specification of any provision requiring the corporation to purchase the units and common interests of any dissenters after a substantial addition, alteration or improvement to or renovation of the common elements has been made or after the assets of the corporation have been substantially changed;
- (k) a specification of any allocation of the obligations to repair and to maintain the units and common elements;
- (l) a specification of the percentage of substantial damage to the buildings and a specification of the majority required to authorize repairs under section 17;
- (m) a specification of the majority required for a sale of the property or of part of the common elements;
- (n) a specification of the majority required for the termination of the government of the property by this Act;
- (o) any other matters concerning the property.

**Amendment
of
declaration**

(3) The declaration may be amended only with the consent of all owners and all persons having registered encumbrances against the units and common interests.

Registration

(4) When a declaration is amended, the corporation shall register a copy of the amendment executed by all the owners and all persons having registered encumbrances against the units and common interests, and until the copy is registered the amendment is ineffective.

4.—(1) A description shall contain,

What
description
must
contain

- (a) a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings;
- (b) structural plans of the buildings;
- (c) a specification of the boundaries of each unit by reference to the buildings;
- (d) diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings;
- (e) a certificate of a surveyor that the buildings have been constructed and that the diagrams of the units are substantially accurate and substantially in accordance with the structural plans; and
- (f) a description of any interests appurtenant to the land that are included in the property,

prepared in accordance with the regulations.

(2) A description shall not be registered unless it has been approved in accordance with the regulations.

Approval of
description

REGISTRATION

5.—(1) Every master of titles and every registrar of deeds in whose office a declaration and description are registered shall keep an index in the prescribed form to be known as the "Condominium Corporations Index".

Index

(2) Where a land titles office is combined with a registry office, one index under subsection 1 shall be kept for all declarations and descriptions registered in the combined offices.

Combined
offices

(3) Every master of titles and every registrar of deeds in whose office a declaration and description are registered shall keep a register in the prescribed form to be known as the "Condominium Register".

Condomin-
ium
Register

(4) Declarations, descriptions, by-laws, notices of termination and other instruments respecting land governed by this Act shall be registered and recorded in the Condominium Register in accordance with this Act and the regulations but, except as otherwise provided by this Act and the regulations, *The Land Titles Act* or *The Registry Act*, as the case may be, applies in respect of property governed by this Act.

This Act to
govern
registrations,
etc.

R.S.O. 1960,
cc. 204, 348

UNITS AND COMMON ELEMENTS

- Nature of units and common interests** **6.—(1)** Units and common interests are real property for all purposes.
- Ownership of units** (2) Subject to this Act, the declaration and the by-laws, each owner is entitled to exclusive ownership and use of his unit.
- Dangerous activities** (3) No condition shall be permitted to exist and no activity shall be carried on in any unit or the common elements that are likely to damage the property.
- Right to enter** (4) The corporation or any person authorized by the corporation may enter any unit at any reasonable time to perform the objects and duties of the corporation.
- Ownership of common elements** **7.—(1)** The owners are tenants in common of the common elements.
- Common interests** (2) An undivided interest in the common elements is appurtenant to each unit.
- Proportions** (3) The proportions of the common interests are those expressed in the declaration.
- Use of common elements** (4) Subject to this Act, the declaration and the by-laws, each owner may make reasonable use of the common elements.
- Ownership not to be separated** (5) The ownership of a unit shall not be separated from the ownership of the common interest, and any instrument that purports to separate the ownership of a unit from a common interest is void.
- No division** (6) Except as provided by this Act, the common elements shall not be partitioned or divided.
- Encumbrances not enforceable** (7) No encumbrance is enforceable against the common elements after the declaration and description are registered.
- Saving** (8) Where but for subsection 7 an encumbrance would be enforceable against the common elements, the encumbrance is enforceable against all the units and common interests.
- Discharge** (9) Any unit and common interest may be discharged from such an encumbrance by payment to the claimant of a portion of the sum claimed determined by the proportions specified in the declaration for sharing the common expenses.
- Idem.** (10) Upon payment of a portion of the encumbrance sufficient to discharge a unit and common interest, and upon

demand, the claimant shall give to the owner a discharge of that unit and common interest in accordance with the regulations.

(11) For the purposes of municipal assessment and taxation, ^{Assessment} each unit and common interest constitute a parcel, and the common elements do not constitute a parcel.

(12) For the purpose of determining liability resulting from ^{Where} breach of the duties of an occupier of land, the corporation ^{corporation deemed to be occupier} shall be deemed to be the occupier of the common elements and the owners shall be deemed not to be occupiers of the common elements.

EASEMENTS

8.—(1) The following easements are appurtenant to each ^{Easements appurtenant to units} unit:

1. Where a building or any part of a building,
 - (a) moves after registration of the declaration and description; or
 - (b) after having been damaged and repaired, is not restored to the position occupied at the time of registration of the declaration and description,

an easement for exclusive use and occupation in accordance with this Act, the declaration and the by-laws, over the space of the other units and common elements that would be space included in the unit if the boundaries of the unit were determined by the position of the buildings from time to time after registration of the description and not at the time of registration.

2. An easement for the provision of any service through any installation in the common elements or any other unit.
3. An easement for support by the common elements and any other unit capable of providing support.

(2) The following easements are appurtenant to the common ^{Easements appurtenant to common elements} elements:

1. An easement for the provision of any service through any installation in any unit.
2. An easement for support by any unit capable of providing support.

CORPORATION

- Creation** **9.**—(1) The registration of a declaration and description creates a corporation without share capital whose members are the owners from time to time.
- Name of corporation** (2) When a declaration and description are registered, the master of titles or registrar of deeds in whose office they are registered shall assign a name to the corporation in accordance with the regulations.
- R.S.O. 1960, cc. 71, 72, 246 do not apply** (3) *The Corporations Act, The Corporations Information Act* and the provisions respecting mortmain of *The Mortmain and Charitable Uses Act* do not apply to the corporation.
- Objects** (4) The objects of the corporation are to manage the property and any assets of the corporation.
- Board of directors** (5) The affairs of the corporation shall be managed by a board of directors, consisting of three persons or such greater number as the declaration or by-laws may provide, elected by the members of the corporation.
- Term** (6) The term of the members of the board shall be three years or such lesser period as the declaration or by-laws may provide, but the members of the board may continue to act until their successors are elected, and members are eligible for re-election.
- Vacancies** (7) If a vacancy in the membership of the board occurs, a new member shall be elected by the members of the corporation.
- Quorum** (8) A quorum for the transaction of business is a majority of the members of the board or such greater number as the declaration or by-laws may provide.
- Defects** (9) The acts of a member of the board or an officer of the board are valid notwithstanding any defect that may afterwards be discovered in his election or qualifications.
- Officers and executive** (10) The declaration or the by-laws may specify and regulate the qualification, nomination, election, compensation and removal of members of the board, and the meetings, functions and officers of the board.
- Records** (11) The corporation shall keep adequate records, and any member of the corporation may inspect the records on reasonable notice and at any reasonable time.
- Duty to effect compliance** (12) The corporation has a duty to effect compliance by the owners with this Act, the declaration and the by-laws.

(13) The declaration or the by-laws may specify duties of ^{Duties} the corporation consistent with its objects.

(14) Each member of the corporation, and each person ^{Right to performance of duties} having an encumbrance against a unit and common interest, has the right to the performance of any duty of the corporation specified by this Act, the declaration and the by-laws.

(15) The corporation may own, acquire, encumber and ^{Real and personal property} dispose of real and personal property for the use and enjoyment of the property.

(16) The members of the corporation share the assets of ^{Interest in assets} the corporation in the same proportions as the proportions of their common interests in accordance with this Act, the declaration and the by-laws.

(17) A judgment for the payment of money against the ^{Judgments against corporation} corporation is also a judgment against each owner at the time the cause of action arose for a portion of the judgment determined by the proportions specified in the declaration for sharing the common expenses.

(18) Any action with respect to the common elements may ^{Actions by corporation respecting common elements} be brought by the corporation and a judgment for the payment of money in favour of the corporation in such an action is an asset of the corporation.

(19) When the owners and the property cease to be ^{Termination} governed by this Act,

- (a) the assets of the corporation shall be used to pay any claims for the payment of money against the corporation;
- (b) the remainder of the assets of the corporation shall be distributed among the members of the corporation in the same proportions as the proportions of their common interests.

BY-LAWS

10.—(1) The corporation may, by a vote of members who ^{By-laws} own $66\frac{2}{3}$ per cent, or such greater percentage as is specified in the declaration, of the common elements, make by-laws,

- (a) governing the management of the property;
- (b) governing the use of units or any of them for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and other units;
- (c) governing the use of the common elements;
- (d) regulating the maintenance of the units and common elements;
- (e) governing the use and management of the assets of the corporation;
- (f) respecting the board;
- (g) specifying duties of the corporation;
- (h) regulating the assessment and collection of contributions towards the common expenses;
- (i) respecting the conduct generally of the affairs of the corporation.

By-laws
must be
reasonable

(2) The by-laws shall be reasonable and consistent with this Act and the declaration.

Registration

(3) When a by-law is made by the corporation, the corporation shall register a copy of the by-law together with a certificate executed by the corporation that the by-law was made in accordance with this Act, the declaration and the by-laws, and until the copy and certificate are registered the by-law is ineffective.

RULES GOVERNING USE OF COMMON ELEMENTS

House
rules

11.—(1) The by-laws may provide for the making of rules by the owners respecting the use of the common elements for the purpose of preventing unreasonable interference with the use and enjoyment of the units and common elements.

Idem

(2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws.

Compliance
and
enforcement

(3) The rules shall be complied with and enforced in the same manner as the by-laws.

OBLIGATIONS OF OWNERS

Obligations
and rights
of owners,
etc.

12.—(1) Each owner is bound by and shall comply with this Act, the declaration and the by-laws.

(2) Each owner has a right to the compliance by the other owners with this Act, the declaration and the by-laws. Idem

(3) The corporation, and any person having an encumbrance against any unit and common interest, has a right to the compliance by the owners with this Act, the declaration and the by-laws. Right of corporation and encumbrancers

13.—(1) The owners shall contribute towards the common expenses in the proportions specified in the declaration. Duty of owners to contribute to common expenses

(2) The assessment and collection of contributions towards the common expenses may be regulated by the declaration or the by-laws. Assessment and collection

(3) The obligation of an owner to contribute towards the common expenses shall not be avoided by waiver of the right to use the common elements or by abandonment. No avoidance

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses, the corporation, upon registration of a notice of lien in the prescribed form, has a lien for the unpaid amount against the unit and common interest of that owner. Lien

(5) The lien may be enforced in the same manner as a mortgage. How enforceable

(6) Upon payment of the unpaid amount and upon demand, the corporation shall give the owner a discharge in the prescribed form. Discharge

MODIFICATIONS OF COMMON ELEMENTS AND ASSETS

14.—(1) The corporation may by a vote of members who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements make any substantial addition, alteration or improvement to or renovation of the common elements or may make any substantial change in the assets of the corporation, and the corporation may by a vote of a majority of the members make any other addition, alteration or improvement to or renovation of the common elements or may make any other change in the assets of the corporation. Substantial alterations

(2) The cost of any addition, alteration or improvement to or renovation of the common elements and the cost of any substantial change in the assets of the corporation are common expenses. Cost

Dissenters (3) The declaration may provide that if any substantial addition, alteration or improvement to or renovation of the common elements is made, or if any substantial change in the assets of the corporation is made, the corporation must, on demand of any owner who dissented, purchase his unit and common interest.

Arbitration (4) Where the corporation and the owner who dissented do not agree as to the purchase price, the owner who dissented may elect to have the fair market value of his unit and common interest determined by arbitration under *The Arbitrations Act* by serving a notice to that effect on the corporation.

R.S.O. 1960,
c. 18

INSURANCE

Duty to insure **15.**—(1) A corporation shall insure its liability to repair the property after damage resulting from fire, tempest or other casualty to the extent required by the declaration or the by-laws.

Saving (2) Subsection 1 does not restrict the capacity of any person to insure otherwise than as provided in that subsection.

REPAIRS AND MAINTENANCE

Interpretation **16.**—(1) For the purposes of this Act, the obligation to repair after damage and to maintain are mutually exclusive, and the obligation to repair after damage does not include the repair of improvements made to units after registration of the declaration and description.

Duty to repair (2) Subject to section 17, the corporation shall repair the units and common elements after damage.

Maintenance of common elements (3) The corporation shall maintain the common elements.

Maintenance of units (4) Each owner shall maintain his unit.

Declaration may provide otherwise (5) Notwithstanding subsections 2, 3 and 4, the declaration may provide that,

(a) each owner shall, subject to section 17, repair his unit after damage;

(b) the owners shall maintain the common elements or any part of the common elements; or

(c) the corporation shall maintain the units.

Where corporation to make repairs for owners (6) The corporation shall make any repairs that an owner is obligated to make and that he does not make within a reasonable time.

(7) An owner shall be deemed to have consented to have repairs done to his unit by the corporation under this section. ^{Consent}

WHERE DAMAGE OCCURS

17.—(1) Where damage to the buildings occurs, the board shall determine within thirty days of the occurrence whether there has been substantial damage to 25 per cent, or such greater percentage as is specified in the declaration, of the buildings. ^{Determination of damage}

(2) Where there has been a determination that there has been substantial damage to 25 per cent, or such greater percentage as is specified in the declaration, and owners who own 80 per cent of the common elements, or such greater percentage as is specified in the declaration, vote for repair within sixty days of the determination, the corporation shall repair. ^{Vote for repair}

TERMINATION

18.—(1) Where on a vote the owners do not vote for repair, the corporation shall, within ten days of the vote, register a notice of termination in the prescribed form. ^{Termination by notice after substantial damage}

(2) Where there has been no vote within sixty days of the determination that there has been substantial damage under subsection 1 of section 17, the corporation shall, within ten days after the expiry of the 60-day period, register a notice of termination in the prescribed form. ^{Idem}

(3) Upon the registration of a notice of termination under subsection 1 or 2, ^{Effect of registration of notice}

- (a) the government of the property by this Act is terminated;
- (b) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;
- (c) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;
- (d) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description, and have the same priority they had before the registration of the notice of termination; and

- (e) all claims against the property created after the registration of the declaration and description, other than the encumbrances mentioned in clause *d*, are extinguished.

Termination
by sale

19.—(1) Sale of the property or any part of the common elements may be authorized,

- (a) by a vote of owners who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description.

Execution
of con-
veyance

(2) A deed or transfer shall be executed by all the owners and a release or discharge shall be given by all the persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description.

Effect of
registra-
tion of
conveyance

(3) Upon the registration of the instruments mentioned in subsection 2,

- (a) the government of the property or of the part of the common elements by this Act is terminated;
- (b) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered; and
- (c) claims against the property or the part of the common elements created after the registration of the declaration and description are extinguished.

Proceeds

(4) Subject to subsection 5, the owners share the proceeds of the sale in the same proportions as their common interests.

Rights of
dissenters

(5) Where a sale is made under this section, any owner who dissented may elect to have the fair market value of the property at the time of the sale determined by arbitration under *The Arbitrations Act* by serving notice to that effect on the corporation within ten days after the vote, and the owner who served the notice is entitled to receive from the proceeds of the sale the amount he would have received if the sale price had been the fair market value as determined by the arbitration.

R.S.O. 1960,
c. 18

(6) Where the proceeds of the sale are inadequate to pay the amount determined under subsection 5, each of the owners who voted for the sale is liable for a portion of the deficiency determined by the proportions of their common interests. ^{Where proceeds inadequate}

20.—(1) Termination of the government of the property by this Act may be authorized, ^{Termination by notice without sale}

- (a) by a vote of owners who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property created after the registration of the declaration and description.

(2) Where termination of the government of the property by this Act is authorized under subsection 1, the corporation shall register a notice of termination in the prescribed form, executed by all the owners and all the persons having registered claims against the property created after the registration of the declaration and description. ^{Registration of notice}

(3) Upon registration of a notice of termination under subsection 2, ^{Effect of registration}

- (a) the government of the property by this Act is terminated;
- (b) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;
- (c) claims against the land and the interests appurtenant to the land described in the description created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;
- (d) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description and have the same priority as they had before the registration of the notice of termination; and
- (e) all other claims against the property created after the registration of the declaration and description are extinguished.

Termination
by S.C.O.

21.—(1) A corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the Supreme Court for an order terminating the government of the property by this Act.

Order

(2) The Court may order that the government of the property by this Act be terminated if the Court is of the opinion that the termination would be just and equitable, and, in determining whether the termination would be just and equitable, the Court shall have regard to,

- (a) the scheme and intent of this Act;
- (b) the probability of unfairness to one or more owners if termination is not ordered; and
- (c) the probability of confusion and uncertainty in the affairs of the corporation or the owners if termination is not ordered.

Ancillary
matters

(3) Where an order of termination is made under subsection 2, the Court may include in the order any provisions that the Court considers appropriate in the circumstances.

VOTING BY MORTGAGEES

Rights of
mortgagees

22. Where a mortgage or charge of a unit and common interest contains a provision that authorizes the mortgagee or chargee to exercise the right of the owner to vote or to consent, the mortgagee or chargee may exercise the right, and, where two or more such mortgages or charges contain such a provision, the right may be exercised by the mortgagee or chargee who has priority.

PERFORMANCE OF DUTIES

Application
for order to
require
performance
of duties

23.—(1) Where a duty imposed by this Act, the declaration or the by-laws is not performed, the corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the Supreme Court for an order directing the performance of the duty.

Idem

(2) The Court may by order direct performance of the duty, and may include in the order any provisions that the Court considers appropriate in the circumstances.

Saving

(3) Nothing in this section restricts the remedies otherwise available for failure to perform any duty imposed by this Act.

APPLICATION OF THE PLANNING ACT

24.—(1) Section 26 and clause *b* of subsection 1 of section 27 of *The Planning Act* do not apply in respect of dealings with units and common interests.

Application of subdivision control
R.S.O. 1960, c. 296

(2) Subject to subsection 3, the provisions of section 28 of *The Planning Act* that apply to plans of subdivision apply *mutatis mutandis* to descriptions under this Act, and a description shall not be registered unless approved or exempted by the Minister of Municipal Affairs.

Approval of descriptions under
R.S.O. 1960, c. 296, s. 28

(3) Before making an application under subsection 1 of section 28 of *The Planning Act*, the owner of a property or someone authorized by him in writing may apply to the Minister to have the description or any part of the description exempted from section 28, or from any provision thereof, and where in the opinion of the Minister such exemption is appropriate in the circumstances, he may grant the exemption.

Exemption

(4) Section 29 of *The Planning Act* does not apply in respect of descriptions made for the purposes of this Act.

R.S.O. 1960, c. 296, s. 29, not to apply

REGULATIONS

25.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) classifying properties for the purposes of the regulations;
- (b) prescribing the duties of officers appointed under *The Land Titles Act* or *The Registry Act* for the purposes of this Act;
- (c) governing the method of describing in instruments a property or any part of a property;
- (d) governing surveys, structural plans, descriptions and diagrams, and prescribing procedures for their registration and amendment;
- (e) requiring, in respect of any class of properties, in lieu of or in addition to the requirements of section 4, surveys of the properties showing the units and common elements;
- (f) respecting the registration and recording of declarations, descriptions, by-laws, notices of termination and other instruments;
- (g) respecting the names of corporations;

R.S.O. 1960, cc. 204, 348

(h) respecting additions to the common elements;

R.S.O. 1960,
cc. 204, 348

(i) requiring the payment of fees to officers appointed under *The Land Titles Act* or *The Registry Act*, and prescribing the amounts thereof;

(j) prescribing forms and providing for their use;

(k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application
of
regulations

(2) Any provision of any regulation may apply to all properties or to any class of properties.

MISCELLANEOUS

Commence-
ment

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

27. This Act may be cited as *The Condominium Act, 1967*.

An Act to facilitate the Division of
Properties into Parts that are to be owned
Individually and Parts that are to be owned
in Common, and to provide for the Use and
Management of such Properties

1st Reading

March 22nd, 1967

2nd Reading

April 10th, 1967

3rd Reading

MR. WISHART

(Reprinted as amended by the Committee
on Legal Bills and Municipal Affairs)

BILL 65

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

**An Act to facilitate the Division of Properties into Parts
that are to be owned Individually and Parts that are to
be owned in Common, and to provide for the Use and
Management of such Properties**

MR. WISHART

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BILL 65**1967**

**An Act to facilitate the Division of Properties
into Parts that are to be owned Individually
and Parts that are to be owned in Common,
and to provide for the Use and Management
of such Properties**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "board" means the board of directors of a corporation;
- (b) "buildings" means the buildings included in a property;
- (c) "by-law" means a by-law of a corporation;
- (d) "claim" includes a right, title, interest, encumbrance or demand of any kind affecting land, but does not include the interest of an owner in his unit and common interest;
- (e) "common elements" means all the property except the units;
- (f) "common expenses" means the expenses of the performance of the objects and duties of a corporation and any expenses specified as common expenses in a declaration;
- (g) "common interest" means the interest in the common elements appurtenant to a unit;
- (h) "corporation" means a corporation incorporated by this Act;

(i) "declaration" means the declaration specified in section 3, and includes any amendments;

(j) "description" means the description specified in section 4;

R.S.O. 1960,
c. 204

(k) "encumbrance" means a claim that secures the payment of money or the performance of any other obligation, and includes a charge under *The Land Titles Act*, a mortgage and a lien;

(l) "owner" means the owner or owners of the freehold estate or estates in a unit and common interest, but does not include a mortgagee unless in possession;

(m) "prescribed" means prescribed by the regulations;

(n) "property" means the land and interests appurtenant to the land described in the description, and includes any land and interests appurtenant to land that are added to the common elements;

R.S.O. 1960,
cc. 204, 348

(o) "registered" means registered under *The Land Titles Act* or *The Registry Act*;

(p) "regulations" means the regulations made under this Act;

R.S.O. 1960,
c. 389

(q) "surveyor" means an Ontario land surveyor registered under *The Surveyors Act*;

(r) "unit" means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and description are registered.

Ownership
of land

(2) For the purposes of this Act, the ownership of land includes the ownership of space.

DECLARATION AND DESCRIPTION

Freehold
land only

2.—(1) A property shall comprise only freehold land and interests, if any, appurtenant to that land.

Who may
register

(2) A declaration and description may be registered by or on behalf of the owner in fee simple of the land described in the description.

Land must
be in one
division

(3) Where the land and the interests appurtenant to the land described in the description are not entirely within one land titles or registry division or not entirely under *The Land Titles Act* or *The Registry Act*, the description shall not be registered.

(4) Where the land described in a description is situate in a provisional judicial district or in a county, part of a county, city or separated town to which *The Land Titles Act* applies, the declaration and description must be registered under that Act. Where land in land titles area R.S.O. 1960, c. 204

(5) Where the land described in a description is situate in a county, part of a county, city or separated town to which *The Land Titles Act* does not apply, a certificate of title under *The Certification of Titles Act* showing the owner by whom the declaration and description are being registered as the owner in fee simple of the land shall be registered under *The Registry Act* before the declaration and description are registered. Where land not in land titles area R.S.O. 1960, cc. 204, 48, 348

(6) Upon registration of a declaration and description, the land and the interests appurtenant to the land described in the description are governed by this Act. Effect of registration

3.—(1) A declaration shall not be registered unless it is executed by the owner or owners of the land and interests appurtenant to the land described in the description and unless it contains, What declaration must contain

- (a) a statement of intention that the land and interests appurtenant to the land described in the description be governed by this Act;
- (b) the consent of all persons having registered encumbrances against the land or interests appurtenant to the land described in the description;
- (c) a statement, expressed in percentages, of the proportions of the common interests;
- (d) a statement, expressed in percentages allocated to the units, of the proportions in which the owners are to contribute to the common expenses; and
- (e) an address for service.

(2) In addition to the matters mentioned in subsection 1, a declaration may contain, What declaration may contain

- (a) a specification of common expenses;
- (b) a specification of any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) provisions respecting the occupation and use of the units and common elements;
- (d) provisions restricting gifts, leases and sales of the units and common interests;

- (e) a specification of the number, qualification, nomination, election, term of office, compensation and removal of members of the board, and the meetings, quorum, functions and officers of the board;
- (f) a specification of duties of the corporation consistent with its objects;
- (g) a specification of the majority required to make by-laws of the corporation;
- (h) provisions regulating the assessment and collection of contributions towards the common expenses;
- (i) a specification of the majority required to make substantial changes in the common elements and the assets of the corporation;
- (j) a specification of any provision requiring the corporation to purchase the units and common interests of any dissenters after a substantial addition, alteration or improvement to or renovation of the common elements has been made or after the assets of the corporation have been substantially changed;
- (k) a specification of any allocation of the obligations to repair and to maintain the units and common elements;
- (l) a specification of the percentage of substantial damage to the buildings and a specification of the majority required to authorize repairs under section 17;
- (m) a specification of the majority required for a sale of the property or of part of the common elements;
- (n) a specification of the majority required for the termination of the government of the property by this Act;
- (o) any other matters concerning the property.

**Amendment
of
declaration**

- (3) The declaration may be amended only with the consent of all owners and all persons having registered encumbrances against the units and common interests.

Registration

- (4) When a declaration is amended, the corporation shall register a copy of the amendment executed by all the owners and all persons having registered encumbrances against the units and common interests, and until the copy is registered the amendment is ineffective.

4.—(1) A description shall contain,

What
description
must
contain

- (a) a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings;
- (b) structural plans of the buildings;
- (c) a specification of the boundaries of each unit by reference to the buildings;
- (d) diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings;
- (e) a certificate of a surveyor that the buildings have been constructed and that the diagrams of the units are substantially accurate and substantially in accordance with the structural plans; and
- (f) a description of any interests appurtenant to the land that are included in the property,

prepared in accordance with the regulations.

(2) A description shall not be registered unless it has been approved in accordance with the regulations.

Approval of
description

REGISTRATION

5.—(1) Every master of titles and every registrar of deeds in whose office a declaration and description are registered shall keep an index in the prescribed form to be known as the "Condominium Corporations Index".

Index

(2) Where a land titles office is combined with a registry office, one index under subsection 1 shall be kept for all declarations and descriptions registered in the combined offices.

Combined
offices

(3) Every master of titles and every registrar of deeds in whose office a declaration and description are registered shall keep a register in the prescribed form to be known as the "Condominium Register".

Condomin-
ium
Register

(4) Declarations, descriptions, by-laws, notices of termination and other instruments respecting land governed by this Act shall be registered and recorded in the Condominium Register in accordance with this Act and the regulations but, except as otherwise provided by this Act and the regulations, *The Land Titles Act* or *The Registry Act*, as the case may be, applies in respect of property governed by this Act.

This Act to
govern
registrations,
etc.

R.S.O. 1960,
cc. 204, 348

UNITS AND COMMON ELEMENTS

Nature
of units and
common
interests

6.—(1) Units and common interests are real property for all purposes.

Ownership
of units

(2) Subject to this Act, the declaration and the by-laws, each owner is entitled to exclusive ownership and use of his unit.

Dangerous
activities

(3) No condition shall be permitted to exist and no activity shall be carried on in any unit or the common elements that are likely to damage the property.

Right to
enter

(4) The corporation or any person authorized by the corporation may enter any unit at any reasonable time to perform the objects and duties of the corporation.

Ownership
of common
elements

7.—(1) The owners are tenants in common of the common elements.

Common
interests

(2) An undivided interest in the common elements is appurtenant to each unit.

Proportions

(3) The proportions of the common interests are those expressed in the declaration.

Use of
common
elements

(4) Subject to this Act, the declaration and the by-laws, each owner may make reasonable use of the common elements.

Ownership
not to be
separated

(5) The ownership of a unit shall not be separated from the ownership of the common interest, and any instrument that purports to separate the ownership of a unit from a common interest is void.

No division

(6) Except as provided by this Act, the common elements shall not be partitioned or divided.

Encum-
brances not
enforceable

(7) No encumbrance is enforceable against the common elements after the declaration and description are registered.

Saving

(8) Where but for subsection 7 an encumbrance would be enforceable against the common elements, the encumbrance is enforceable against all the units and common interests.

Discharge

(9) Any unit and common interest may be discharged from such an encumbrance by payment to the claimant of a portion of the sum claimed determined by the proportions specified in the declaration for sharing the common expenses.

Idem

(10) Upon payment of a portion of the encumbrance sufficient to discharge a unit and common interest, and upon

demand, the claimant shall give to the owner a discharge of that unit and common interest in accordance with the regulations.

(11) For the purposes of municipal assessment and taxation, ^{Assessment} each unit and common interest constitute a parcel, and the common elements do not constitute a parcel.

(12) For the purpose of determining liability resulting from ^{Where} breach of the duties of an occupier of land, the corporation ^{corporation} shall be deemed to be the occupier of the common elements ^{deemed to} and the owners shall be deemed not to be occupiers of the ^{be occupier} common elements.

EASEMENTS

8.—(1) The following easements are appurtenant to each ^{Easements} unit: ^{appurtenant} ^{to units}

1. Where a building or any part of a building,

- (a) moves after registration of the declaration and description; or
- (b) after having been damaged and repaired, is not restored to the position occupied at the time of registration of the declaration and description,

an easement for exclusive use and occupation in accordance with this Act, the declaration and the by-laws, over the space of the other units and common elements that would be space included in the unit if the boundaries of the unit were determined by the position of the buildings from time to time after registration of the description and not at the time of registration.

- 2. An easement for the provision of any service through any installation in the common elements or any other unit.
- 3. An easement for support by the common elements and any other unit capable of providing support.

(2) The following easements are appurtenant to the ^{Easements} common elements: ^{appurtenant} ^{to common} ^{elements}

- 1. An easement for the provision of any service through any installation in any unit.
- 2. An easement for support by any unit capable of providing support.

CORPORATION

- Creation** **9.—(1)** The registration of a declaration and description creates a corporation without share capital whose members are the owners from time to time.
- Name of corporation** (2) When a declaration and description are registered, the master of titles or registrar of deeds in whose office they are registered shall assign a name to the corporation in accordance with the regulations.
- R.S.O. 1960, cc. 71, 72, 246 do not apply** (3) *The Corporations Act, The Corporations Information Act* and the provisions respecting mortmain of *The Mortmain and Charitable Uses Act* do not apply to the corporation.
- Objects** (4) The objects of the corporation are to manage the property and any assets of the corporation.
- Board of directors** (5) The affairs of the corporation shall be managed by a board of directors, consisting of three persons or such greater number as the declaration or by-laws may provide, elected by the members of the corporation.
- Term** (6) The term of the members of the board shall be three years or such lesser period as the declaration or by-laws may provide, but the members of the board may continue to act until their successors are elected, and members are eligible for re-election.
- Vacancies** (7) If a vacancy in the membership of the board occurs, a new member shall be elected by the members of the corporation.
- Quorum** (8) A quorum for the transaction of business is a majority of the members of the board or such greater number as the declaration or by-laws may provide.
- Defects** (9) The acts of a member of the board or an officer of the board are valid notwithstanding any defect that may afterwards be discovered in his election or qualifications.
- Officers and executive** (10) The declaration or the by-laws may specify and regulate the qualification, nomination, election, compensation and removal of members of the board, and the meetings, functions and officers of the board.
- Records** (11) The corporation shall keep adequate records, and any member of the corporation may inspect the records on reasonable notice and at any reasonable time.
- Duty to effect compliance** (12) The corporation has a duty to effect compliance by the owners with this Act, the declaration and the by-laws.

(13) The declaration or the by-laws may specify duties of ^{Duties} the corporation consistent with its objects.

(14) Each member of the corporation, and each person ^{Right to performance of duties} having an encumbrance against a unit and common interest, has the right to the performance of any duty of the corporation specified by this Act, the declaration and the by-laws.

(15) The corporation may own, acquire, encumber and ^{Real and personal property} dispose of real and personal property for the use and enjoyment of the property.

(16) The members of the corporation share the assets of ^{Interest in assets} the corporation in the same proportions as the proportions of their common interests in accordance with this Act, the declaration and the by-laws.

(17) A judgment for the payment of money against the ^{Judgments against corporation} corporation is also a judgment against each owner at the time the cause of action arose for a portion of the judgment determined by the proportions specified in the declaration for sharing the common expenses.

(18) Any action with respect to the common elements may ^{Actions by corporation respecting common elements} be brought by the corporation and a judgment for the payment of money in favour of the corporation in such an action is an asset of the corporation.

(19) When the owners and the property cease to be ^{Termination} governed by this Act,

(a) the assets of the corporation shall be used to pay any claims for the payment of money against the corporation;

(b) the remainder of the assets of the corporation shall be distributed among the members of the corporation in the same proportions as the proportions of their common interests.

BY-LAWS

10.—(1) The corporation may, by a vote of members who ^{By-law} own $66\frac{2}{3}$ per cent, or such greater percentage as is specified in the declaration, of the common elements, make by-laws,

- (a) governing the management of the property;
- (b) governing the use of units or any of them for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and other units;
- (c) governing the use of the common elements;
- (d) regulating the maintenance of the units and common elements;
- (e) governing the use and management of the assets of the corporation;
- (f) respecting the board;
- (g) specifying duties of the corporation;
- (h) regulating the assessment and collection of contributions towards the common expenses;
- (i) respecting the conduct generally of the affairs of the corporation.

By-laws
must be
reasonable

(2) The by-laws shall be reasonable and consistent with this Act and the declaration.

Registration

(3) When a by-law is made by the corporation, the corporation shall register a copy of the by-law together with a certificate executed by the corporation that the by-law was made in accordance with this Act, the declaration and the by-laws, and until the copy and certificate are registered the by-law is ineffective.

RULES GOVERNING USE OF COMMON ELEMENTS

House
rules

11.—(1) The by-laws may provide for the making of rules by the owners respecting the use of the common elements for the purpose of preventing unreasonable interference with the use and enjoyment of the units and common elements.

Idem

(2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws.

Compliance
and
enforcement

(3) The rules shall be complied with and enforced in the same manner as the by-laws.

OBLIGATIONS OF OWNERS

Obligations
and rights
of owners,
etc.

12.—(1) Each owner is bound by and shall comply with this Act, the declaration and the by-laws.

(2) Each owner has a right to the compliance by the other owners with this Act, the declaration and the by-laws. ^{Idem}

(3) The corporation, and any person having an encumbrance against any unit and common interest, has a right to the compliance by the owners with this Act, the declaration and the by-laws. ^{Right of corporation and encumbrancers}

13.—(1) The owners shall contribute towards the common expenses in the proportions specified in the declaration. ^{Duty of owners to contribute to common expenses}

(2) The assessment and collection of contributions towards the common expenses may be regulated by the declaration or the by-laws. ^{Assessment and collection}

(3) The obligation of an owner to contribute towards the common expenses shall not be avoided by waiver of the right to use the common elements or by abandonment. ^{No avoidance}

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses, the corporation, upon registration of a notice of lien in the prescribed form, has a lien for the unpaid amount against the unit and common interest of that owner. ^{Lien}

(5) The lien may be enforced in the same manner as a mortgage. ^{How enforceable}

(6) Upon payment of the unpaid amount and upon demand, the corporation shall give the owner a discharge in the prescribed form. ^{Discharge}

MODIFICATIONS OF COMMON ELEMENTS AND ASSETS

14.—(1) The corporation may by a vote of members who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements make any substantial addition, alteration or improvement to or renovation of the common elements or may make any substantial change in the assets of the corporation, and the corporation may by a vote of a majority of the members make any other addition, alteration or improvement to or renovation of the common elements or may make any other change in the assets of the corporation. ^{Substantial alterations}

(2) The cost of any addition, alteration or improvement to or renovation of the common elements and the cost of any substantial change in the assets of the corporation are common expenses. ^{Cost}

Dissenters (3) The declaration may provide that if any substantial addition, alteration or improvement to or renovation of the common elements is made, or if any substantial change in the assets of the corporation is made, the corporation must, on demand of any owner who dissented, purchase his unit and common interest.

Arbitration (4) Where the corporation and the owner who dissented do not agree as to the purchase price, the owner who dissented may elect to have the fair market value of his unit and common interest determined by arbitration under *The Arbitrations Act* by serving a notice to that effect on the corporation.

R.S.O. 1960,
c. 18

INSURANCE

Duty to insure **15.—**(1) A corporation shall insure its liability to repair the property after damage resulting from fire, tempest or other casualty to the extent required by the declaration or the by-laws.

Saving (2) Subsection 1 does not restrict the capacity of any person to insure otherwise than as provided in that subsection.

REPAIRS AND MAINTENANCE

Interpretation **16.—**(1) For the purposes of this Act, the obligation to repair after damage and to maintain are mutually exclusive, and the obligation to repair after damage does not include the repair of improvements made to units after registration of the declaration and description.

Duty to repair (2) Subject to section 17, the corporation shall repair the units and common elements after damage.

Maintenance of common elements (3) The corporation shall maintain the common elements.

Maintenance of units (4) Each owner shall maintain his unit.

Declaration may provide otherwise (5) Notwithstanding subsections 2, 3 and 4, the declaration may provide that,

(a) each owner shall, subject to section 17, repair his unit after damage;

(b) the owners shall maintain the common elements or any part of the common elements; or

(c) the corporation shall maintain the units.

Where corporation to make repairs for owners (6) The corporation shall make any repairs that an owner is obligated to make and that he does not make within a reasonable time.

(7) An owner shall be deemed to have consented to have repairs done to his unit by the corporation under this section. ^{Consent}

WHERE DAMAGE OCCURS

17.—(1) Where damage to the buildings occurs, the board shall determine within thirty days of the occurrence whether there has been substantial damage to 25 per cent, or such greater percentage as is specified in the declaration, of the buildings. ^{Determination of damage}

(2) Where there has been a determination that there has been substantial damage to 25 per cent, or such greater percentage as is specified in the declaration, and owners who own 80 per cent of the common elements, or such greater percentage as is specified in the declaration, vote for repair within sixty days of the determination, the corporation shall repair. ^{Vote for repair}

TERMINATION

18.—(1) Where on a vote the owners do not vote for repair, the corporation shall, within ten days of the vote, register a notice of termination in the prescribed form. ^{Termination by notice after substantial damage}

(2) Where there has been no vote within sixty days of the determination that there has been substantial damage under subsection 1 of section 17, the corporation shall, within ten days after the expiry of the 60-day period, register a notice of termination in the prescribed form. ^{Idem}

(3) Upon the registration of a notice of termination under subsection 1 or 2, ^{Effect of registration of notice}

- (a) the government of the property by this Act is terminated;
- (b) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;
- (c) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;
- (d) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description, and have the same priority they had before the registration of the notice of termination; and

- (e) all claims against the property created after the registration of the declaration and description, other than the encumbrances mentioned in clause *d*, are extinguished.

Termination
by sale

19.—(1) Sale of the property or any part of the common elements may be authorized,

- (a) by a vote of owners who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description.

Execution
of con-
veyance

(2) A deed or transfer shall be executed by all the owners and a release or discharge shall be given by all the persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description.

Effect of
registra-
tion of
conveyance

(3) Upon the registration of the instruments mentioned in subsection 2,

- (a) the government of the property or of the part of the common elements by this Act is terminated;
- (b) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered; and
- (c) claims against the property or the part of the common elements created after the registration of the declaration and description are extinguished.

Proceeds

(4) Subject to subsection 5, the owners share the proceeds of the sale in the same proportions as their common interests.

Rights of
dissenters

(5) Where a sale is made under this section, any owner who dissented may elect to have the fair market value of the property at the time of the sale determined by arbitration under *The Arbitrations Act* by serving notice to that effect on the corporation within ten days after the vote, and the owner who served the notice is entitled to receive from the proceeds of the sale the amount he would have received if the sale price had been the fair market value as determined by the arbitration.

R.S.O. 1960,
c. 18

(6) Where the proceeds of the sale are inadequate to pay the amount determined under subsection 5, each of the owners who voted for the sale is liable for a portion of the deficiency determined by the proportions of their common interests. ^{Where proceeds inadequate}

20.—(1) Termination of the government of the property by this Act may be authorized, ^{Termination by notice without sale}

- (a) by a vote of owners who own 80 per cent, or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property created after the registration of the declaration and description.

(2) Where termination of the government of the property by this Act is authorized under subsection 1, the corporation shall register a notice of termination in the prescribed form, executed by all the owners and all the persons having registered claims against the property created after the registration of the declaration and description. ^{Registration of notice}

(3) Upon registration of a notice of termination under subsection 2, ^{Effect of registration}

- (a) the government of the property by this Act is terminated;
- (b) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;
- (c) claims against the land and the interests appurtenant to the land described in the description created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;
- (d) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description and have the same priority as they had before the registration of the notice of termination; and
- (e) all other claims against the property created after the registration of the declaration and description are extinguished.

Termination
by S.C.O.

21.—(1) A corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the Supreme Court for an order terminating the government of the property by this Act.

Order

(2) The Court may order that the government of the property by this Act be terminated if the Court is of the opinion that the termination would be just and equitable, and, in determining whether the termination would be just and equitable, the Court shall have regard to,

- (a) the scheme and intent of this Act;
- (b) the probability of unfairness to one or more owners if termination is not ordered; and
- (c) the probability of confusion and uncertainty in the affairs of the corporation or the owners if termination is not ordered.

Ancillary
matters

(3) Where an order of termination is made under subsection 2, the Court may include in the order any provisions that the Court considers appropriate in the circumstances.

VOTING BY MORTGAGEES

Rights of
mortgagees

22. Where a mortgage or charge of a unit and common interest contains a provision that authorizes the mortgagee or chargee to exercise the right of the owner to vote or to consent, the mortgagee or chargee may exercise the right, and, where two or more such mortgages or charges contain such a provision, the right may be exercised by the mortgagee or chargee who has priority.

PERFORMANCE OF DUTIES

Application
for order to
require
performance
of duties

23.—(1) Where a duty imposed by this Act, the declaration or the by-laws is not performed, the corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the Supreme Court for an order directing the performance of the duty.

Idem

(2) The Court may by order direct performance of the duty, and may include in the order any provisions that the Court considers appropriate in the circumstances.

Saving

(3) Nothing in this section restricts the remedies otherwise available for failure to perform any duty imposed by this Act.

APPLICATION OF THE PLANNING ACT

24.—(1) Section 26 and clause *b* of subsection 1 of section 27 of *The Planning Act* do not apply in respect of dealings with units and common interests.

Application of sub-division control
R.S.O. 1960, c. 296

(2) Subject to subsection 3, the provisions of section 28 of *The Planning Act* that apply to plans of subdivision apply *mutatis mutandis* to descriptions under this Act, and a description shall not be registered unless approved or exempted by the Minister of Municipal Affairs.

Approval of descriptions under
R.S.O. 1960, c. 296, s. 28

(3) Before making an application under subsection 1 of section 28 of *The Planning Act*, the owner of a property or someone authorized by him in writing may apply to the Minister to have the description or any part of the description exempted from section 28, or from any provision thereof, and where in the opinion of the Minister such exemption is appropriate in the circumstances, he may grant the exemption.

Exemption

(4) Section 29 of *The Planning Act* does not apply in respect of descriptions made for the purposes of this Act.

R.S.O. 1960, c. 296, s. 29, not to apply

REGULATIONS

25.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) classifying properties for the purposes of the regulations;
- (b) prescribing the duties of officers appointed under *The Land Titles Act* or *The Registry Act* for the purposes of this Act;
- (c) governing the method of describing in instruments a property or any part of a property;
- (d) governing surveys, structural plans, descriptions and diagrams, and prescribing procedures for their registration and amendment;
- (e) requiring, in respect of any class of properties, in lieu of or in addition to the requirements of section 4, surveys of the properties showing the units and common elements;
- (f) respecting the registration and recording of declarations, descriptions, by-laws, notices of termination and other instruments;
- (g) respecting the names of corporations;

R.S.O. 1960, cc. 204, 348

(h) respecting additions to the common elements;

R.S.O. 1960,
cc. 204, 348

(i) requiring the payment of fees to officers appointed under *The Land Titles Act* or *The Registry Act*, and prescribing the amounts thereof;

(j) prescribing forms and providing for their use;

(k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application
of
regulations

(2) Any provision of any regulation may apply to all properties or to any class of properties.

MISCELLANEOUS

Commence-
ment

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

27. This Act may be cited as *The Condominium Act, 1967*.

An Act to facilitate the Division of Properties into Parts that are to be owned Individually and Parts that are to be owned in Common, and to provide for the Use and Management of such Properties

1st Reading

March 22nd, 1967

2nd Reading

April 10th, 1967

3rd Reading

June 2nd, 1967

MR. WISHART

BILL 66

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Health Act

MR. SMITH

BILL 66

1967

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

4a.—(1) In this section, "hallucinogenic drug" means lysergic acid diethylamide or any hallucinogenic substance designated by the Minister as a hallucinogenic drug for the purposes of this section. Hallu-
cinogenic
drug,
defined

(2) No person shall, within Ontario,

(a) manufacture;

(b) sell, give or otherwise distribute;

(c) have in his possession;

(d) administer to himself; or

(e) administer to any other person,

Manu-
facture,
sale, etc.,
prohibited

any hallucinogenic drug, unless authorized to do so pursuant to subsection 4.

(3) Any person who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 or to imprisonment for a term of not less than fifteen days and not more than ninety days or to both. Offence

(4) The Minister, in his discretion,

(a) may authorize a duly qualified medical practitioner to administer a hallucinogenic drug to himself or to others for the purposes of research; and Minister
may
authorize
use,
distribu-
tion, etc.

(b) may, for that purpose, authorize the manufacture, distribution and the having possession of the hallucinogenic drug,

subject to such conditions and restrictions as the Minister prescribes.

Short title

2. This Act may be cited as *The Public Health Amendment Act, 1967*.

An Act to amend The Public Health Act

1st Reading

April 5th, 1967

2nd Reading

3rd Reading

MR. SMITH

BILL 67

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

The Air Pollution Control Act, 1967

MR. DYMOND

EXPLANATORY NOTE

The Act is revised to provide for provincial control and regulation of air pollution in Ontario. The following are the more salient features of the new Act:

1. Authority to control new stationary sources of air pollution by requiring a certificate of approval before such new sources may be created.
2. Authority to control and regulate all sources of air pollution through investigations by provincial officers and orders of the Minister.
3. Establishment of an Air Pollution Control Advisory Board to review recommendations of a provincial officer and after a hearing to report with its recommendations to the Minister.
4. Authority in the Minister, after investigation, to order the discontinuance of the discharge of any air contaminant in unusual cases where such discharge creates an immediate and serious danger to the health of the public and a delay in following the usual procedures under the Act would prejudicially affect the public.
5. Provision for a board of negotiation to negotiate the settlement of claims of persons whose crops or live stock are damaged by air pollution resulting in economic loss.
6. Authority to control and regulate the discharge of air contaminants from motor vehicles by setting standards of emission and requiring motor vehicles to be equipped with systems or devices to prevent or lessen the emission of air contaminants.
7. Provision for investigation of air pollution problems and for research and educational programmes in the field of air pollution.

BILL 67

1967

The Air Pollution Control Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

- (a) "air contaminant" means a solid, liquid, gas, odour or combination of any of them that contributes to air pollution;
- (b) "air pollution" means the presence in the outdoor atmosphere of any air contaminant or contaminants in quantities that may cause discomfort to or endanger the health or safety of persons, or that may cause injury or damage to property or to plant or animal life or that may interfere with visibility or the normal conduct of transport or business;
- (c) "Board" means The Air Pollution Control Advisory Board;
- (d) "construct" includes the erection, reconstruction, installation, alteration or modification of a stationary source of air pollution and the replacement of any part thereof, but does not include routine maintenance;
- (e) "Department" means the Department of Health;
- (f) "Minister" means the Minister of Health;
- (g) "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a highway;
- (h) "operator" means the person in occupation or having the charge, management or control of any land or

premises on or in which a source of air pollution is located, whether on his own account or as the agent of any other person;

- (i) "owner" includes the person for the time being receiving the rent of the land or premises on or in which a source of air pollution is located, whether on his own account or as agent or trustee of any other person;
- (j) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (k) "regulations" means the regulations made under this Act;
- (l) "stationary source of air pollution" means any equipment, apparatus, device, mechanism or structure, except a motor vehicle, that may be a source of air pollution. R.S.O. 1960, c. 12, s. 1 (1), *amended*.

Powers and
duties of
Minister

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate air pollution problems;
- (b) conduct research in the field of air pollution;
- (c) conduct air quality and meteorological studies and monitoring programmes;
- (d) convene conferences, conduct seminars and educational programmes in the field of air pollution;
- (e) publish and disseminate information on air pollution;
- (f) make grants,
 - (i) to universities and other organizations for research and training of persons in the field of air pollution, and
 - (ii) to municipalities to assist in the administration and enforcement of air pollution by-laws,

in such amounts and upon such terms and conditions as the regulations may prescribe;

- (g) appoint committees to perform such advisory functions as the Minister deems desirable. R.S.O. 1960, c. 12, s. 2, *amended*.

3. The Minister may authorize any officer or officers of the Department to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations. *New.*

Delegation of powers to officer

4.—(1) A board to be known as "The Air Pollution Control Advisory Board" shall be established consisting of such number of members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary.

Advisory Board

(2) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council.

Vacancies

(3) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct. 1961-62, c. 3, s. 1, *amended*.

Duties of Board

5.—(1) The Minister may designate officers of the Department as provincial officers for the purposes of this Act and the regulations.

Provincial officers

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations.

Powers of provincial officers

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations. R.S.O. 1960, c. 12, s. 7, *amended*.

Information

6. Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to review the certificate or order, and the Minister may review, rescind or alter any such certificate or order. R.S.O. 1960, c. 12, s. 8, *amended*.

Power to review, etc.

7.—(1) No person shall construct a stationary source of air pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any air contaminant into the outdoor atmosphere from the source and to prevent air pollution.

Approval to creation of new stationary source of air pollution required

Application,
plans, etc.

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of air pollution as the Minister may require.

Certificate
of approval

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any air contaminant into the outdoor atmosphere from the source of air pollution, and for the prevention of air pollution as the Minister deems necessary. *New.*

Survey by
provincial
officer

8.—(1) A provincial officer may survey from time to time any source of air pollution and after completing such survey shall report thereon with his recommendations,

- (a) respecting the stationary source of air pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any air contaminant into the outdoor atmosphere; or
- (b) respecting the source of air pollution where no equipment, apparatus, device, mechanism or structure is involved and such method of operation as may be necessary to prevent or lessen the emission of any air contaminant into the outdoor atmosphere.

Report to
be sent to
Department
and
operator

(2) The provincial officer shall file his report and recommendations with the Department and shall serve upon the operator or owner of the source of air pollution a copy thereof.

Review of
report and
recom-
mendations
by Board

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing.

Counsel

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire.

Report of
Board

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner. *New.*

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of air pollution or requiring changes respecting the source of air pollution or the method of operation or devices employed to prevent or lessen the emission of any air contaminant or to reduce or control air pollution. Order of Minister

(2) No order in respect of a source of air pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of air pollution. *New.* No order until time for request-
ing review expires

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted into the outdoor atmosphere any air contaminant that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such contaminant into the outdoor atmosphere, whereupon such person shall immediately discontinue such emission. Where pollution creates serious danger to health

(2) The Minister shall, as soon as possible thereafter and in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons. *New.* Hearing

11.—(1) Where a person complains that air pollution is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation. Where air pollution causes damage to crops or live stock

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation. Request for investigation

(3) A copy of the report shall be given to the claimant and to the operator or owner of the source of air pollution alleged to be the cause of the injury or damage. Report of investigation

(4) The claimant shall permit the operator or owner of such source of air pollution or his agent to view the injury or damage. Right of owner to view damage

Board of negotiation	(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.
Quorum	(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board.
Place of sitting	(7) The board of negotiation may sit at any place in Ontario.
Notice of amount of claim	(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of air pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined.
Notice of negotiation	(9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.
Negotiation proceedings	(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.
Application to sulphur fumes R.S.O. 1960, c. 86	(11) This section does not apply to injury or damage caused by sulphur fumes arising from the operations designated in <i>The Damage by Fumes Arbitration Act. New.</i>
Sale of new motor vehicles and engines contrary to regulations	12.— (1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants unless such motor vehicle complies with the regulations.
Offence	(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. <i>New.</i>

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants unless such motor vehicle complies with the regulations. Operation of motor vehicles contrary to regulations

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. *New.* Offence

14. The Lieutenant Governor in Council may make regulations, Regulations

- (a) classifying sources of air pollution and exempting any class or classes from the provisions of this Act and the regulations;
- (b) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;
- (c) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants, prescribing the standards and specifications of any such system or device, prescribing the standards of emission into the outdoor atmosphere of any air contaminant or contaminants to which any such system or device shall comply and providing for the testing and inspection of any such system or device;
- (d) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;
- (e) prohibiting or regulating and controlling the emission of any air contaminant or contaminants into the outdoor atmosphere from any source of air pollution or any class thereof;
- (f) regulating the quality of fuels that may be used for heating, generating steam or electricity or for industrial processes;

- (g) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;
- (h) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;
- (i) prescribing the amounts of grants payable to universities and municipalities, and the terms and conditions of such grants;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 12, s. 6, *amended*.

Application
of Act and
regulations

15. Notwithstanding any general or special Act, this Act and the regulations apply in such areas in Ontario as are designated by the regulations. *New*.

Offences

16.— (1) Every person who contravenes any provision of this Act, except section 12 or 13, or of the regulations or any order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$2,000, and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

Idem

(2) Each day that a person contravenes a provision of this Act or the regulations or an order made by the Minister constitutes a separate offence. R.S.O. 1960, c. 12, s. 9; 1966, c. 5, s. 1, *amended*.

Service of
reports,
orders, etc.

17. Any report, order or notice served under this Act shall be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of air pollution in respect of which the report, order or notice is served, or is delivered,

- (a) in the case of a municipality, including a metropolitan municipality, to the head or clerk of the municipality;
- (b) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;

- (c) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein. *New.*

18. Every air pollution control by-law of a municipality, including a metropolitan municipality, passed under *The Air Pollution Control Act* or *The Municipal Act*, that is in force immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality, and *The Air Pollution Control Act* and the amendments thereto referred to in section 19 shall remain in force in the municipality until this Act and the regulations become effective in the municipality. *New.*

Air
pollution
control
by-laws
R.S.O. 1960,
cc. 12, 249

19. Subject to section 18, the following are repealed:

Repeal:

1. *The Air Pollution Control Act.* R.S.O. 1960,
c. 12;
2. *The Air Pollution Control Amendment Act, 1961-62.* 1961-62, c. 3;
3. *The Air Pollution Control Amendment Act, 1962-63.* 1962-63 c. 2;
4. *The Air Pollution Control Amendment Act, 1966.* 1966, c. 5

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

21. This Act may be cited as *The Air Pollution Control Act, 1967.* Short title

1st Reading

April 5th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 67

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

The Air Pollution Control Act, 1967

MR. DYMOND

(Reprinted as amended by the Committee on Health)

EXPLANATORY NOTE

The Act is revised to provide for provincial control and regulation of air pollution in Ontario. The following are the more salient features of the new Act:

1. Authority to control new stationary sources of air pollution by requiring a certificate of approval before such new sources may be created.
2. Authority to control and regulate all sources of air pollution through investigations by provincial officers and orders of the Minister.
3. Establishment of an Air Pollution Control Advisory Board to review recommendations of a provincial officer and after a hearing to report with its recommendations to the Minister.
4. Authority in the Minister, after investigation, to order the discontinuance of the discharge of any air contaminant in unusual cases where such discharge creates an immediate and serious danger to the health of the public and a delay in following the usual procedures under the Act would prejudicially affect the public.
5. Provision for a board of negotiation to negotiate the settlement of claims of persons whose crops or live stock are damaged by air pollution resulting in economic loss.
6. Authority to control and regulate the discharge of air contaminants from motor vehicles by setting standards of emission and requiring motor vehicles to be equipped with systems or devices to prevent or lessen the emission of air contaminants.
7. Provision for investigation of air pollution problems and for research and educational programmes in the field of air pollution.

BILL 67

1967

The Air Pollution Control Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

- (a) "air contaminant" means a solid, liquid, gas, odour or combination of any of them that contributes to air pollution;
- (b) "air pollution" means the presence in the outdoor atmosphere of any air contaminant or contaminants in quantities that may cause discomfort to or endanger the health or safety of persons, or that may cause injury or damage to property or to plant or animal life or that may interfere with visibility or the normal conduct of transport or business;
- (c) "Board" means The Air Pollution Control Advisory Board;
- (d) "construct" includes the erection, reconstruction, installation, alteration or modification of a stationary source of air pollution and the replacement of any part thereof, but does not include routine maintenance;
- (e) "Department" means the Department of Health;
- (f) "Minister" means the Minister of Health;
- (g) "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a highway;
- (h) "operator" means the person in occupation or having the charge, management or control of any land or

premises on or in which a source of air pollution is located, whether on his own account or as the agent of any other person;

- (i) "owner" includes the person for the time being receiving the rent of the land or premises on or in which a source of air pollution is located, whether on his own account or as agent or trustee of any other person;
- (j) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (k) "regulations" means the regulations made under this Act;
- (l) "stationary source of air pollution" means any equipment, apparatus, device, mechanism or structure, except a motor vehicle, that may be a source of air pollution. R.S.O. 1960, c. 12, s. 1 (1), *amended*.

Powers and
duties of
Minister

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate air pollution problems;
 - (b) conduct research in the field of air pollution;
 - (c) conduct air quality and meteorological studies and monitoring programmes;
 - (d) convene conferences, conduct seminars and educational programmes in the field of air pollution;
 - (e) publish and disseminate information on air pollution;
 - (f) make grants,
 - (i) to universities and other organizations for research and training of persons in the field of air pollution, and
 - (ii) to municipalities to assist in the administration and enforcement of air pollution by-laws,
- in such amounts and upon such terms and conditions as the regulations may prescribe;

- (g) appoint committees to perform such advisory functions as the Minister deems desirable. R.S.O. 1960, c. 12, s. 2, *amended*.

3. The Minister may authorize any officer or officers of the Department to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations. *New.* Delegation of powers to officer

4.—(1) A board to be known as "The Air Pollution Control Advisory Board" shall be established consisting of not more than twelve members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary. Advisory Board

(2) The composition of the Board shall be such as to provide for competent and knowledgeable persons in the engineering, medical, urban planning, industry, agricultural and labour fields and members at large. Members

(3) No member, servant or employee of the Board may serve until he takes and subscribes before the Minister an oath of office and secrecy in the following form: Oath of office and secrecy

I,, do swear that I will faithfully discharge my duties as a member of The Air Pollution Control Advisory Board and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties as a member of The Air Pollution Control Advisory Board.

So help me God.

(4) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council. Vacancies

(5) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct. 1961-62, c. 3, s. 1, *amended*. Duties of Board

5.—(1) The Minister may designate officers of the Department as provincial officers for the purposes of this Act and the regulations. Provincial officers

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations. Powers of provincial officers

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations. R.S.O. 1960, c. 12, s. 7, *amended*. Information

Power to
review, etc.

6.—(1) Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to review the certificate or order, and the Minister may review, rescind or alter any such certificate or order. R.S.O. 1960, c. 12, s. 8, *amended*.

Appeal
to judge

(2) If after a review by the Minister any person complains that it is still not feasible or practicable to comply with the certificate of approval or order, he may, within fifteen days after receipt of the decision of the Minister, appeal to a judge of the county or district court of the county or district in which the source of air pollution in respect of which the certificate or order was issued or made and such appeal shall be a hearing *de novo*, and the judge may dismiss the appeal or rescind or alter any such certificate or order and his decision is final. *New.*

Approval to
creation of
new
stationary
source
of air
pollution
required

7.—(1) No person shall construct a stationary source of air pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any air contaminant into the outdoor atmosphere from the source and to prevent air pollution.

Application,
plans, etc.

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of air pollution as the Minister may require.

Certificate
of approval

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any air contaminant into the outdoor atmosphere from the source of air pollution, and for the prevention of air pollution as the Minister deems necessary. *New.*

Survey by
provincial
officer

8.—(1) A provincial officer may survey from time to time any source of air pollution and after completing such survey shall report thereon with his recommendations,

- (a) respecting the stationary source of air pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any air contaminant into the outdoor atmosphere; or
- (b) respecting the source of air pollution where no equipment, apparatus, device, mechanism or structure is involved and such method of operation as may be necessary to prevent or lessen the emission of any air contaminant into the outdoor atmosphere.

(2) The provincial officer shall file his report and recommendations with the Department and shall serve upon the operator or owner of the source of air pollution a copy thereof. Report to be sent to Department and operator

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing. Review of report and recommendations by Board

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire. Counsel

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner. *New.* Report of Board

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of air pollution or requiring changes respecting the source of air pollution or the method of operation or devices employed to prevent or lessen the emission of any air contaminant or to reduce or control air pollution. Order of Minister

(2) No order in respect of a source of air pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of air pollution. *New.* No order until time for requesting review expires

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted into the outdoor atmosphere any air contaminant that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such contaminant into the outdoor atmosphere, including reasons therefor, whereupon such person shall immediately discontinue such emission. Where pollution creates serious danger to health

- Hearing (2) The Minister shall, as soon as possible thereafter and in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons. *New.*
- Where air pollution causes damage to crops or live stock **11.**—(1) Where a person complains that air pollution is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.
- Request for investigation (2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation.
- Report of investigation (3) A copy of the report shall be given to the claimant and to the operator or owner of the source of air pollution alleged to be the cause of the injury or damage.
- Right of owner to view damage, etc. (4) The claimant shall permit the operator or owner of such source of air pollution or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage.
- Board of negotiation (5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.
- Quorum (6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board.
- Place of sitting (7) The board of negotiation may sit at any place in Ontario.
- Notice of amount of claim (8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of air pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined.
- Notice of negotiation (9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim. Negotiation proceedings

(11) This section does not apply to injury or damage caused by sulphur fumes arising from the operations designated in *The Damage by Fumes Arbitration Act. New.* Application to sulphur fumes
R.S.O. 1960,
c. 86

12.—(1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants unless such motor vehicle complies with the regulations. Sale of new motor vehicles and engines contrary to regulations

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. *New.* Offence

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants unless such motor vehicle has installed on or incorporated in it such system or device and makes effective use of such system or device. Operation of motor vehicles without effective system or device

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. *New.* Offence

14.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) classifying sources of air pollution and exempting any class or classes from the provisions of this Act and the regulations;
- (b) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;
- (c) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one

or more systems or devices to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants, prescribing the standards and specifications of any such system or device, prescribing the standards of emission into the outdoor atmosphere of any air contaminant or contaminants to which any such system or device shall comply and providing for the testing and inspection of any such system or device;

- (d) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;
- (e) prohibiting or regulating and controlling the emission of any air contaminant or contaminants into the outdoor atmosphere from any source of air pollution or any class thereof;
- (f) regulating the quality of fuels that may be used for heating, generating steam or electricity or for industrial processes;
- (g) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;
- (h) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;
- (i) prescribing the amounts of grants payable to universities and municipalities, and the terms and conditions of such grants;
- (j) prescribing the ambient air quality criteria to be used in controlling, regulating or prohibiting the emission of any air contaminant or contaminants into the outdoor atmosphere and the standards thereof;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Scope of
regulations

(2) Any regulation may be general or particular in its application and may be limited as to time or place or both.
R.S.O. 1960, c. 12, s. 6, *amended*.

15. Notwithstanding any general or special Act, this Act ^{Application of Act and} and the regulations apply in such areas in Ontario as are ^{regulations} designated by the regulations. *New.*

16.—(1) Every person who contravenes any provision of ^{Offences} this Act, except section 12 or 13, or of the regulations or any order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$2,000, and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

(2) Each day that a person contravenes a provision of ^{Idem} this Act or the regulations or an order made by the Minister constitutes a separate offence. R.S.O. 1960, c. 12, s. 9; 1966, c. 5, s. 1, *amended.*

17. Any report, order or notice served under this Act shall ^{Service of reports, orders, etc.} be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of air pollution in respect of which the report, order or notice is served, or is delivered,

- (a) in the case of a municipality, including a metropolitan municipality, to the head or clerk of the municipality;
- (b) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;
- (c) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein. *New.*

18. Every air pollution control by-law of a municipality, ^{Air pollution control by-laws} including a metropolitan municipality, passed under *The Air Pollution Control Act* or *The Municipal Act*, that is in force ^{R.S.O. 1960, c. 12, 249} immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality, and *The Air Pollution Control Act* and the

amendments thereto referred to in section 19 shall remain in force in the municipality until this Act and the regulations become effective in the municipality. *New.*

Repeal: **19.** Subject to section 18, the following are repealed:

- | | |
|------------------------|---|
| R.S.O. 1960,
c. 12; | 1. <i>The Air Pollution Control Act.</i> |
| 1961-62, c. 3; | 2. <i>The Air Pollution Control Amendment Act, 1961-62.</i> |
| 1962-63 c. 2; | 3. <i>The Air Pollution Control Amendment Act, 1962-63.</i> |
| 1966, c. 5 | 4. <i>The Air Pollution Control Amendment Act, 1966.</i> |

Commence-
ment **20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **21.** This Act may be cited as *The Air Pollution Control Act, 1967.*

1st Reading

April 5th, 1967

2nd Reading

April 13th, 1967

3rd Reading

MR. DYMOND

*(Reprinted as amended by the
Committee on Health)*

BILL 67

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

The Air Pollution Control Act, 1967

MR. DYMOND

BILL 67

1967

The Air Pollution Control Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "air contaminant" means a solid, liquid, gas, odour or combination of any of them that contributes to air pollution;
- (b) "air pollution" means the presence in the outdoor atmosphere of any air contaminant or contaminants in quantities that may cause discomfort to or endanger the health or safety of persons, or that may cause injury or damage to property or to plant or animal life or that may interfere with visibility or the normal conduct of transport or business;
- (c) "Board" means The Air Pollution Control Advisory Board;
- (d) "construct" includes the erection, reconstruction, installation, alteration or modification of a stationary source of air pollution and the replacement of any part thereof, but does not include routine maintenance;
- (e) "Department" means the Department of Health;
- (f) "Minister" means the Minister of Health;
- (g) "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a highway;
- (h) "operator" means the person in occupation or having the charge, management or control of any land or

premises on or in which a source of air pollution is located, whether on his own account or as the agent of any other person;

- (i) "owner" includes the person for the time being receiving the rent of the land or premises on or in which a source of air pollution is located, whether on his own account or as agent or trustee of any other person;
- (j) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (k) "regulations" means the regulations made under this Act;
- (l) "stationary source of air pollution" means any equipment, apparatus, device, mechanism or structure, except a motor vehicle, that may be a source of air pollution. R.S.O. 1960, c. 12, s. 1 (1), *amended*.

Powers and
duties of
Minister

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate air pollution problems;
- (b) conduct research in the field of air pollution;
- (c) conduct air quality and meteorological studies and monitoring programmes;
- (d) convene conferences, conduct seminars and educational programmes in the field of air pollution;
- (e) publish and disseminate information on air pollution;
- (f) make grants,
 - (i) to universities and other organizations for research and training of persons in the field of air pollution, and
 - (ii) to municipalities to assist in the administration and enforcement of air pollution by-laws,

in such amounts and upon such terms and conditions as the regulations may prescribe;

- (g) appoint committees to perform such advisory functions as the Minister deems desirable. R.S.O. 1960, c. 12, s. 2, *amended*.

3. The Minister may authorize any officer or officers of the Department to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations. *New.* ^{Delegation of powers to officer}

4.—(1) A board to be known as "The Air Pollution Control Advisory Board" shall be established consisting of not more than twelve members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary. ^{Advisory Board}

(2) The composition of the Board shall be such as to provide for competent and knowledgeable persons in the engineering, medical, urban planning, industry, agricultural and labour fields and members at large. ^{Members}

(3) No member, servant or employee of the Board may serve until he takes and subscribes before the Minister an oath of office and secrecy in the following form: ^{Oath of office and secrecy}

I,, do swear that I will faithfully discharge my duties as a member of The Air Pollution Control Advisory Board and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties as a member of The Air Pollution Control Advisory Board.

So help me God.

(4) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council. ^{Vacancies}

(5) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct. 1961-62, c. 3, s. 1, *amended*. ^{Duties of Board}

5.—(1) The Minister may designate officers of the Department as provincial officers for the purposes of this Act and the regulations. ^{Provincial officers}

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations. ^{Powers of provincial officers}

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations. R.S.O. 1960, c. 12, s. 7, *amended*. ^{Information}

Power to
review, etc.

6.—(1) Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to review the certificate or order, and the Minister may review, rescind or alter any such certificate or order. R.S.O. 1960, c. 12, s. 8, *amended*.

Appeal
to judge

(2) If after a review by the Minister any person complains that it is still not feasible or practicable to comply with the certificate of approval or order, he may, within fifteen days after receipt of the decision of the Minister, appeal to a judge of the county or district court of the county or district in which the source of air pollution in respect of which the certificate or order was issued or made is located, and such appeal shall be a hearing *de novo*, and the judge may dismiss the appeal or rescind or alter any such certificate or order and his decision is final. *New*.

Approval to
creation of
new
stationary
source
of air
pollution
required

7.—(1) No person shall construct a stationary source of air pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any air contaminant into the outdoor atmosphere from the source and to prevent air pollution.

Application,
plans, etc.

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of air pollution as the Minister may require.

Certificate
of approval

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any air contaminant into the outdoor atmosphere from the source of air pollution, and for the prevention of air pollution as the Minister deems necessary. *New*.

Survey by
provincial
officer

8.—(1) A provincial officer may survey from time to time any source of air pollution and after completing such survey shall report thereon with his recommendations,

- (a) respecting the stationary source of air pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any air contaminant into the outdoor atmosphere; or
- (b) respecting the source of air pollution where no equipment, apparatus, device, mechanism or structure is involved and such method of operation as may be necessary to prevent or lessen the emission of any air contaminant into the outdoor atmosphere.

(2) The provincial officer shall file his report and recommendations with the Department and shall serve upon the operator or owner of the source of air pollution a copy thereof. Report to be sent to Department and operator

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing. Review of report and recommendations by Board

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire. Counsel

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner. *New.* Report of Board

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of air pollution or requiring changes respecting the source of air pollution or the method of operation or devices employed to prevent or lessen the emission of any air contaminant or to reduce or control air pollution. Order of Minister

(2) No order in respect of a source of air pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of air pollution. *New.* No order until time for requesting review expires

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted into the outdoor atmosphere any air contaminant that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such contaminant into the outdoor atmosphere, including reasons therefor, whereupon such person shall immediately discontinue such emission. Where pollution creates serious danger to health

Hearing

(2) The Minister shall, as soon as possible thereafter and in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons. *New.*

Where air pollution causes damage to crops or live stock

11.—(1) Where a person complains that air pollution is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.

Request for investigation

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation.

Report of investigation

(3) A copy of the report shall be given to the claimant and to the operator or owner of the source of air pollution alleged to be the cause of the injury or damage.

Right of owner to view damage, etc.

(4) The claimant shall permit the operator or owner of such source of air pollution or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage.

Board of negotiation

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.

Quorum

(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board.

Place of sitting

(7) The board of negotiation may sit at any place in Ontario.

Notice of amount of claim

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of air pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined.

Notice of negotiation

(9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim. Negotiation proceedings

(11) This section does not apply to injury or damage caused by sulphur fumes arising from the operations designated in *The Damage by Fumes Arbitration Act. New.* Application to sulphur fumes
R.S.O. 1960,
c. 86

12.—(1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants unless such motor vehicle complies with the regulations. Sale of new motor vehicles and engines contrary to regulations

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. *New.* Offence

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants unless such motor vehicle has installed on or incorporated in it such system or device and makes effective use of such system or device. Operation of motor vehicles without effective system or device

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. *New.* Offence

14.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) classifying sources of air pollution and exempting any class or classes from the provisions of this Act and the regulations;
- (b) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;
- (c) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one

or more systems or devices to prevent or lessen the emission into the outdoor atmosphere of any air contaminant or contaminants, prescribing the standards and specifications of any such system or device, prescribing the standards of emission into the outdoor atmosphere of any air contaminant or contaminants to which any such system or device shall comply and providing for the testing and inspection of any such system or device;

- (d) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;
- (e) prohibiting or regulating and controlling the emission of any air contaminant or contaminants into the outdoor atmosphere from any source of air pollution or any class thereof;
- (f) regulating the quality of fuels that may be used for heating, generating steam or electricity or for industrial processes;
- (g) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;
- (h) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;
- (i) prescribing the amounts of grants payable to universities and municipalities, and the terms and conditions of such grants;
- (j) prescribing the ambient air quality criteria to be used in controlling, regulating or prohibiting the emission of any air contaminant or contaminants into the outdoor atmosphere and the standards thereof;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Scope of
regulations

(2) Any regulation may be general or particular in its application and may be limited as to time or place or both.
R.S.O. 1960, c. 12, s. 6, *amended*.

15. Notwithstanding any general or special Act, this Act and the regulations apply in such areas in Ontario as are designated by the regulations. *New.*

16.—(1) Every person who contravenes any provision of this Act, except section 12 or 13, or of the regulations or any order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$2,000, and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

(2) Each day that a person contravenes a provision of this Act or the regulations or an order made by the Minister constitutes a separate offence. R.S.O. 1960, c. 12, s. 9; 1966, c. 5, s. 1, *amended*.

17. Any report, order or notice served under this Act shall be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of air pollution in respect of which the report, order or notice is served, or is delivered,

- (a) in the case of a municipality, including a metropolitan municipality, to the head or clerk of the municipality;
- (b) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;
- (c) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein. *New.*

18. Every air pollution control by-law of a municipality, including a metropolitan municipality, passed under *The Air Pollution Control Act* or *The Municipal Act*, that is in force immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality, and *The Air Pollution Control Act* and the

amendments thereto referred to in section 19 shall remain in force in the municipality until this Act and the regulations become effective in the municipality. *New.*

Repeal: **19.** Subject to section 18, the following are repealed:

- | | |
|------------------------|---|
| R.S.O. 1960,
c. 12; | 1. <i>The Air Pollution Control Act.</i> |
| 1961-62, c. 3; | 2. <i>The Air Pollution Control Amendment Act, 1961-62.</i> |
| 1962-63 c. 2; | 3. <i>The Air Pollution Control Amendment Act, 1962-63.</i> |
| 1966, c. 5 | 4. <i>The Air Pollution Control Amendment Act, 1966.</i> |

**Commence-
ment** **20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **21.** This Act may be cited as *The Air Pollution Control Act, 1967.*

1st Reading

April 5th, 1967

2nd Reading

April 13th, 1967

3rd Reading

June 2nd, 1967

MR. DYMOND

BILL 68

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Medical Services Insurance Act, 1965

MR. DYMOND

EXPLANATORY NOTE

The amendment adopts the Ontario Medical Association's revised schedule of fees taking effect on the 1st day of April, 1967.

BILL 68

1967

An Act to amend The Medical Services Insurance Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 13 of *The Medical Services Insurance Amendment Act, 1966*, is amended by striking out "day on which this section comes into force" in the third and fourth lines and inserting in lieu thereof "1st day of April, 1967", so that the subsection shall read as follows:

- (1) Subject to subsections 2 and 4, the benefits under a standard contract during the period of two years commencing on the 1st day of April, 1967 shall be based upon 90 per cent of the Ontario Medical Association's schedule of fees in effect on that day, but, if during such period such schedule of fees is changed in respect of any ancillary or incidental matter or in respect of any new procedure and such changes are accepted by the Minister in accordance with the regulations, then, subject to subsections 2 and 4, the benefits under a standard contract during the remainder of such period shall be based upon 90 per cent of the schedule of fees as so changed and accepted.

2. This Act shall be deemed to have come into force on the 1st day of April, 1967.

3. This Act may be cited as *The Medical Services Insurance Amendment Act, 1967*.

1st Reading

April 6th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 68

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Medical Services Insurance Act, 1965

MR. DYMOND

BILL 68

1967

**An Act to amend
The Medical Services Insurance Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 13 of *The Medical Services Insurance Amendment Act, 1966*, is amended by striking out "day on which this section comes into force" in the third and fourth lines and inserting in lieu thereof "1st day of April, 1967", so that the subsection shall read as follows:

- (1) Subject to subsections 2 and 4, the benefits under a standard contract during the period of two years commencing on the 1st day of April, 1967 shall be based upon 90 per cent of the Ontario Medical Association's schedule of fees in effect on that day, but, if during such period such schedule of fees is changed in respect of any ancillary or incidental matter or in respect of any new procedure and such changes are accepted by the Minister in accordance with the regulations, then, subject to subsections 2 and 4, the benefits under a standard contract during the remainder of such period shall be based upon 90 per cent of the schedule of fees as so changed and accepted.

2. This Act shall be deemed to have come into force on the 1st day of April, 1967.

3. This Act may be cited as *The Medical Services Insurance Amendment Act, 1967*.

An Act to amend
The Medical Services Insurance Act, 1965

1st Reading

April 6th, 1967

2nd Reading

April 10th, 1967

3rd Reading

April 17th, 1967

MR. DYMOND

BILL 69

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Hospital Services Commission Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. Provisions are added to the Act which are designed to authorize the Commission to make grants and loans directly to schools for the education of nurses, technicians and other related hospital and health facility personnel, without having to make the payments through a hospital. Thus such schools may be established and operated separate and distinct from any hospital.

Provision is made similar in principle to provisions now in *The Public Hospitals Act* to require schools of nursing to have by-laws on the matters specified in the regulations.

Provision is also made to require the approval of the Lieutenant Governor in Council before any by-law or amendment to or revision of a by-law of a school of nursing has any force or effect.

BILL 69

1967

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hospital Services Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 176,
amended

14a.—(1) The Commission may make grants to schools approved by the Commission for the education of nurses, technicians and other related personnel for work in hospitals and other health facilities. Grants to
schools of
nursing, etc.

(2) Grants made under subsection 1 may be paid directly to a school or to the board of a hospital under whose supervision the school is operated. Idem

14b.—(1) The Commission may make loans to schools approved by the Commission for the education of nurses, technicians and other related personnel for work in hospitals and other health facilities. Loans to
schools of
nursing, etc.

(2) Loans made under subsection 1 may be paid directly to a school or to the board of a hospital under whose supervision the school is operated. Idem

14c.—(1) A school of nursing shall pass by-laws respecting such matters as are prescribed by the regulations and submit them to the Commission in accordance with the regulations. By-laws of
schools of
nursing

(2) A school of nursing shall amend or revise its by-laws and submit them to the Commission in accordance with the regulations. Idem

(3) No by-law or amendment to or revision of a by-law of a school of nursing has any force or effect until it Approval

is approved by the Lieutenant Governor in Council upon the recommendation of the Commission to the Minister.

R.S.O. 1960,
c. 176, s. 15,
subs. 1,
amended

2. Subsection 1 of section 15 of *The Hospital Services Commission Act*, as amended by section 1 of *The Hospital Services Commission Amendment Act, 1961-62*, is further amended by adding thereto the following clauses:

- (ma) respecting grants under section 14a and prescribing classes of such grants and the methods of determining the amounts of such grants and providing for the manner and times of payment and the suspension and withholding of such grants and for the making of deductions from such grants;
- (mb) respecting loans under section 14b and providing the terms and conditions upon which such loans may be made, the amounts thereof, and the manner and times of repayment of such loans;
- (mc) prescribing the matters upon which by-laws are to be passed, amended or revised by schools of nursing under section 14c and providing for the submission of such by-laws, amendments or revisions, to the Commission.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Hospital Services Commission Amendment Act, 1967*.

SECTION 2. This section authorizes the making of regulations by the Ontario Hospital Services Commission, subject to the approval of the Lieutenant Governor in Council, respecting the matters mentioned in section 1 of the Bill.

The Hospital Services Commission Act

1st Reading

April 6th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 69

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Hospital Services Commission Act

MR. DYMOND

BILL 69

1967

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hospital Services Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 176,
amended

14a.—(1) The Commission may make grants to schools approved by the Commission for the education of nurses, technicians and other related personnel for work in hospitals and other health facilities. Grants to
schools of
nursing, etc.

(2) Grants made under subsection 1 may be paid directly to a school or to the board of a hospital under whose supervision the school is operated. Idem

14b.—(1) The Commission may make loans to schools approved by the Commission for the education of nurses, technicians and other related personnel for work in hospitals and other health facilities. Loans to
schools of
nursing, etc.

(2) Loans made under subsection 1 may be paid directly to a school or to the board of a hospital under whose supervision the school is operated. Idem

14c.—(1) A school of nursing shall pass by-laws respecting such matters as are prescribed by the regulations and submit them to the Commission in accordance with the regulations. By-laws of
schools of
nursing

(2) A school of nursing shall amend or revise its by-laws and submit them to the Commission in accordance with the regulations. Idem

(3) No by-law or amendment to or revision of a by-law of a school of nursing has any force or effect until it Approval

is approved by the Lieutenant Governor in Council upon the recommendation of the Commission to the Minister.

R.S.O. 1960,
c. 176, s. 15,
subs. 1,
amended

2. Subsection 1 of section 15 of *The Hospital Services Commission Act*, as amended by section 1 of *The Hospital Services Commission Amendment Act, 1961-62*, is further amended by adding thereto the following clauses:

- (ma) respecting grants under section 14a and prescribing classes of such grants and the methods of determining the amounts of such grants and providing for the manner and times of payment and the suspension and withholding of such grants and for the making of deductions from such grants;
- (mb) respecting loans under section 14b and providing the terms and conditions upon which such loans may be made, the amounts thereof, and the manner and times of repayment of such loans;
- (mc) prescribing the matters upon which by-laws are to be passed, amended or revised by schools of nursing under section 14c and providing for the submission of such by-laws, amendments or revisions, to the Commission.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Hospital Services Commission Amendment Act, 1967*.

An Act to amend
The Hospital Services Commission Act

1st Reading

April 6th, 1967

2nd Reading

April 10th, 1967

3rd Reading

April 26th, 1967

MR. DYMOND

BILL 70

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Pension Benefits Act, 1965

MR. MACNAUGHTON

EXPLANATORY NOTE

The purpose of the Bill is to strengthen the rules concerning the type of pension plan that will be registered and to ensure that pension benefits will not be assigned or seized.

BILL 70

1967

An Act to amend The Pension Benefits Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pension Benefits Act, 1965* is amended by adding ^{1965, c. 96, amended} thereto the following sections:

22a. In any pension plan filed for registration in accordance with section 18, ^{Contents of plans}

- (a) the age and service conditions for membership shall not, in the opinion of the Commission, prevent the gradual accrual of benefits or the spreading of the employer's contributions over an employee's years of service in the class covered by the plan; and
- (b) provision for computation of the employer's contributions and of the pension benefit and, in the case of a deferred profit-sharing pension plan, the formula governing allocation of contributions and surplus amongst the members of the plan shall not be variable at the discretion of the employer,

unless in the opinion of the Commission the circumstances of the plan warrant otherwise.

22b. Moneys payable under a pension plan shall not be assigned, charged, anticipated or given as security and are exempt from execution, seizure or attachment, and any transaction purporting to assign, charge, anticipate or give as security such moneys is void. ^{Pension benefits not alienable or attachable}

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Pension Benefits Amendment Act, 1967*.

An Act to amend
The Pension Benefits Act, 1965

1st Reading

April 6th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 70

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Pension Benefits Act, 1965

MR. MACNAUGHTON

BILL 70

1967

An Act to amend The Pension Benefits Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pension Benefits Act, 1965* is amended by adding ^{1965, c. 96.}thereto the following sections: ^{amended}

22a. In any pension plan filed for registration in accordance with section 18, ^{Contents of plans}

- (a) the age and service conditions for membership shall not, in the opinion of the Commission, prevent the gradual accrual of benefits or the spreading of the employer's contributions over an employee's years of service in the class covered by the plan; and
- (b) provision for computation of the employer's contributions and of the pension benefit and, in the case of a deferred profit-sharing pension plan, the formula governing allocation of contributions and surplus amongst the members of the plan shall not be variable at the discretion of the employer,

unless in the opinion of the Commission the circumstances of the plan warrant otherwise.

22b. Moneys payable under a pension plan shall not be assigned, charged, anticipated or given as security and are exempt from execution, seizure or attachment, and any transaction purporting to assign, charge, anticipate or give as security such moneys is void. ^{Pension benefits not alienable or attachable}

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Pension Benefits Amendment Act, 1967*.

1st Reading

April 6th, 1967

2nd Reading

April 13th, 1967

3rd Reading

April 26th, 1967

MR. MACNAUGHTON

BILL 71

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Health Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. The definition is new. It is required for the purposes of section 3 of the Bill.

SECTION 2—Subsection 1. This paragraph will enable regulations to be made. See the new section 21*b* in section 3 of the Bill.

Subsection 2. The paragraphs being repealed relate to the regulation of the sale of upholstered and stuffed articles. The repeal will take effect on proclamation.

Subsection 3. The scope of the present paragraphs is broadened in order to enable the Department of Health to license and exercise control over health facilities of various kinds.

BILL 71 1967

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 321, s. 1,
amended

(ea) "full-time public health services" means the public health services provided by medical officers of health, public health nurses or public health inspectors who are employed full-time by the Department, a municipality or the board of health of a health unit, and includes such other full-time public health services as the regulations prescribe.

2.—(1) Section 6 of *The Public Health Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 321, s. 6,
amended

21a. prescribing the amounts, terms and conditions applicable to the payment of grants under section 21a or 21b and designating non-profit organizations or institutions for the purpose of section 21b;

21b. prescribing services in addition to those mentioned in clause ea of section 1.

(2) Paragraphs 25, 26, 27, 28, 29 and paragraph 29a, as enacted by section 1 of *The Public Health Amendment Act, 1965*, of the said section 6 are repealed.

R.S.O. 1960,
c. 321, s. 6,
pars. 25-29,
par. 29a
(1965,
c. 106, s. 1),
repealed

(3) Paragraphs 31 and 32 of the said section 6 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 321, s. 6,
pars. 31, 32,
re-enacted

31. licensing, regulating and controlling designated health facilities
classes of public health and medical laboratories,
radiological clinics for diagnosis and therapy, pros-

thetic and orthotic establishments and such other classes of health facilities as the regulations may designate;

Idem

32. prescribing qualifications for persons operating or engaged in a health facility of any class licensed under paragraph 31.

R.S.O. 1960,
c. 321,
amended

3. *The Public Health Act* is amended by adding thereto the following sections:

Grants for
full-time
public
health
services

- 21a. The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to the board of health of a municipality that provides full-time public health services.

Interpre-
tation

- 21b.—(1) In this section, "community health facility" means any building or place or any part of a building or place that is maintained, operated or used,

(a) for the diagnosis, treatment or rehabilitation of persons suffering from physical or mental disorders;

(b) for the prevention of physical or mental disorders; or

(c) by a local board in performing its functions.

Grants for
community
health
facilities

- (2) The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to a non-profit organization designated by the regulations, a municipality or a local board towards the cost of construction, alteration or additions to a community health facility.

Exceptions

- (3) This section does not apply to a hospital, sanatorium or other institution of a class designated by the regulations.

R.S.O. 1960,
c. 321, s. 34,
subs. 1
(1964,
c. 93, s. 4),
re-enacted;
subs. 1a
(1964,
c. 93, s. 4),
repealed;
subs. 2,
re-enacted

4. Subsection 1, as re-enacted by section 4 of *The Public Health Amendment Act, 1964*, subsection 1a, as enacted by section 4 of *The Public Health Amendment Act, 1964* and amended by section 8 of *The Public Health Amendment Act, 1966*, and subsection 2 of section 34 of *The Public Health Act* are repealed and the following substituted therefor:

Full-time
public
health
services

- (1) Every municipality that does not form part of a health unit shall provide such full-time public health services as the Minister may require.

SECTION 3. These new sections are self-explanatory.

SECTION 4. Self-explanatory.

SECTION 5. The purpose of this new section is to provide Indian bands with full-time health services.

SECTION 6. Complementary to subsection 3 of section 2 of this Bill.

SECTION 7. This new section provides for the control and regulation of waste disposal systems and sites.

- (2) Where a municipality fails to provide full-time public health services as required by the Minister, the Minister may furnish or cause to be furnished the full-time public health services required, and the cost thereof shall be charged to the municipality. Idem

5. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

35b.—(1) In this section, “band” and “council of a band” have the same meaning as in the *Indian Act* (Canada). Interpre-
tation
R.S.C. 1952,
c. 149

- (2) The provisions of section 35 that apply to a township municipality apply *mutatis mutandis* to a band, and the council of a band shall be deemed to be the council of a township municipality. Application
of s. 35 to
Indian
bands

6. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

HEALTH FACILITIES

- 43.—(1) No person shall operate a health facility of any class prescribed by the regulations made under paragraph 31 of section 6 without a licence therefor. Licence to
operate
- (2) No person shall operate or be engaged in a health facility of any class prescribed by the regulations made under paragraph 31 of section 6 without being qualified as required by the regulations. Qualifica-
tions

7. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

WASTE DISPOSAL

- 95a.—(1) In this section, Interpre-
tation
- (a) “operator” means a person or municipality that owns or operates a waste disposal system or a waste disposal site;
- (b) “waste” means ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse, and includes such other wastes as are designated by the regulations;

(c) "waste disposal site" means any land upon which or building in which waste is deposited or processed for incineration, ultimate disposal or decomposition;

(d) "waste disposal system" means any waste disposal site and any transfer station at which collection vehicles are emptied and any facilities provided at the site for the storage of waste and cover material and includes such other facilities as are necessary for the handling and disposal of waste.

Where
section
does not
apply

(2) This section does not apply to the disposal of household wastes by any person on his own land unless in the opinion of the medical officer of health, such disposal creates a nuisance or a hazard to public health.

Existing
systems
and sites
that
comply

(3) Where a waste disposal system is in operation or a waste disposal site is being used when this section comes into force and such system or site complies with this Act and the regulations, the Minister may issue a certificate of approval therefor.

Idem,
that do not
comply

(4) Where a waste disposal system is in operation or a waste disposal site is being used when this section comes into force and such site or system does not comply with this section and the regulations, the Minister may issue a provisional certificate of approval upon such terms and conditions as the regulations prescribe.

New systems
and sites
and extensions,
etc.,
of existing
systems
and sites

(5) No person or municipality shall establish, alter, enlarge or extend,

(a) a waste disposal system; or

(b) a waste disposal site,

unless a certificate of approval has been issued therefor.

Condition
precedent
to issue of
certificate

(6) No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

(a) deposited a sum of money; or

(b) furnished a performance bond,

— in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste disposal system or the waste disposal site or the removal of the waste from the system or site if the Minister deems such removal necessary.

- (7) The deposit mentioned in clause *a* of subsection 6 Return of deposit may be returned to the depositor upon such terms and conditions as the regulations prescribe.
- (8) An applicant for a certificate of approval of a waste disposal system or a waste disposal site that it is Publication of notice of application proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication.
- (9) An applicant for a certificate of approval under subsection 8 shall submit to the Minister, plans, specifications and an engineer's report of the work to be undertaken, together with such other information as the Minister may require. Information to be furnished
- (10) No by-law for raising money to finance any work under subsection 8 shall be passed by the council of a municipality until a certificate of approval has been issued therefor. No money by-law without certificate
- (11) No person or municipality shall deposit waste upon any land or in any building that is not, Prohibition as to deposit of waste
- (a) a waste disposal site; or
- (b) a waste disposal site that is part of a waste disposal system,
- for which a certificate of approval or a provisional certificate of approval has been issued.
- (12) The Minister or a medical officer of health may order Order for removal of waste any person who deposits any waste upon any land or in any building that has not been approved as a waste disposal site to remove such waste and to restore the site to a condition satisfactory to the Minister or the medical officer of health, as the case may be.

Order upon
failure to
comply with
regulations

- (13) Where a waste disposal system or a waste disposal site is not in conformity with the regulations, the Minister may order the operator to take such action as he may require to bring the system or the site into conformity with the regulations within the time specified in the order.

Action upon
failure to
comply with
order

- (14) Where an operator fails to comply with an order under subsection 13, the Minister may cause the necessary work to be done and charge the owner with the cost thereof, which in the case of an operator other than a municipality may be deducted from the deposit mentioned in subsection 6 or may be recovered with costs in any court of competent jurisdiction.

Former
disposal
sites

- (15) No use shall be made of land which has been used for the disposal of waste within a period of twenty-five years from the year in which the land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Offences

- (16) Every person or municipality that contravenes any provision of this section or the regulations or fails to comply with an order made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000.

Municipal
responsi-
bility

- (17) Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste disposal system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

Regulations

- (18) The Lieutenant Governor in Council may make regulations,
- (a) designating wastes in addition to those specified in clause *b* of section 1;
 - (b) classifying waste disposal systems and waste disposal sites, and exempting any class thereof from this section or the regulations or any provision thereof;

SECTION 8. See note to section 2 (2) of this Bill.

SECTION 9. This new section will enable isolated municipalities to provide full-time public health services.

(c) providing for the issue of certificates of approval and provisional certificates of approval for waste disposal systems or waste disposal sites, prescribing terms and conditions upon which provisional certificates of approval may be issued, and providing for the cancellation and suspension of certificates of approval and provisional certificates of approval and the procedure therefor;

(d) governing and regulating the treatment and disposal of waste and prescribing standards for waste disposal systems and waste disposal sites;

(e) prescribing the amounts and conditions of deposits and bonds for the purpose of subsection 6 and prescribing the terms and conditions upon which deposits may be returned under subsection 7;

(f) prescribing the records that shall be kept by operators of waste disposal systems and waste disposal sites and the reports that shall be made by such operators;

(g) respecting any matter necessary or advisable to carry out the intent and purpose of this section or the regulations.

8. Section 100 of *The Public Health Act* is repealed.

R.S.O. 1960.
c. 321, s. 100,
repealed

9. *The Public Health Act* is amended by adding thereto the following section:

R.S.O. 1960.
c. 321,
amended

131a.—(1) Where a municipality in a territorial district,

Full-time
public health
services in
isolated
municipalities

(a) does not form part of a health unit; and

(b) does not provide full-time public health services,

the Minister may enter into an agreement with the council of the municipality to provide full-time public health services.

(2) The agreement mentioned in subsection 1 shall specify the services to be rendered and the charges to be made for such services.

Idem

Commence-
ment

10.—(1) This Act, except subsection 2 of section 2, sections 3, 4, 6, 7 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 2, sections 3, 4, 6, 7 and 8 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Public Health Amendment Act, 1967*.

1st Reading

April 7th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 71

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Health Act

MR. DYMOND

(Reprinted as amended by the Committee on Health)

EXPLANATORY NOTES

SECTION 1. The definition is new. It is required for the purposes of section 3 of the Bill.

SECTION 2—Subsection 1. This paragraph will enable regulations to be made. See the new section 21*b* in section 3 of the Bill.

Subsection 2. The paragraphs being repealed relate to the regulation of the sale of upholstered and stuffed articles. The repeal will take effect on proclamation.

Subsection 3. The scope of the present paragraphs is broadened in order to enable the Department of Health to license and exercise control over health facilities of various kinds.

BILL 71

1967

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 321, s. 1,
amended

(*ea*) "full-time public health services" means the public health services provided by medical officers of health, public health nurses or public health inspectors who are employed full-time by the Department, a municipality or the board of health of a health unit, and includes such other full-time public health services as the regulations prescribe.

2.—(1) Section 6 of *The Public Health Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 321, s. 6,
amended

21a. prescribing the amounts, terms and conditions applicable to the payment of grants under section 21a or 21b and designating non-profit organizations or institutions for the purpose of section 21b;

21b. prescribing services in addition to those mentioned in clause *ea* of section 1.

(2) Paragraphs 25, 26, 27, 28, 29 and paragraph 29a, as enacted by section 1 of *The Public Health Amendment Act, 1965*, of the said section 6 are repealed.

R.S.O. 1960,
c. 321, s. 6,
pars. 25-29,
par. 29a
(1965,
c. 106, s. 1),
repealed

(3) Paragraphs 31 and 32 of the said section 6 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 321, s. 6,
pars. 31, 32,
re-enacted

31. licensing, regulating and controlling designated health facilities classes of public health and medical laboratories, radiological clinics for diagnosis and therapy, pros-

thetic and orthotic establishments and such other classes of health facilities as the regulations may designate;

Idem

32. prescribing qualifications for persons operating or engaged in a health facility of any class licensed under paragraph 31.

R.S.O. 1960,
c. 321,
amended

3. *The Public Health Act* is amended by adding thereto the following sections:

Grants for
full-time
public
health
services

- 21a. The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to the board of health of a municipality that provides full-time public health services.

Interpre-
tation

- 21b.—(1) In this section, "community health facility" means any building or place or any part of a building or place that is maintained, operated or used,

(a) for the diagnosis, treatment or rehabilitation of persons suffering from physical or mental disorders;

(b) for the prevention of physical or mental disorders; or

(c) by a local board in performing its functions.

Grants for
community
health
facilities

- (2) The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to a non-profit organization designated by the regulations, a municipality or a local board towards the cost of construction, alteration or additions to a community health facility.

Exceptions

- (3) This section does not apply to a hospital, sanatorium or other institution of a class designated by the regulations.

R.S.O. 1960,
c. 321, s. 34,
subs. 1
(1964,
c. 93, s. 4),
re-enacted;
subs. 1a
(1964,
c. 93, s. 4),
repealed;
subs. 2,
re-enacted

4. Subsection 1, as re-enacted by section 4 of *The Public Health Amendment Act, 1964*, subsection 1a, as enacted by section 4 of *The Public Health Amendment Act, 1964* and amended by section 8 of *The Public Health Amendment Act, 1966*, and subsection 2 of section 34 of *The Public Health Act* are repealed and the following substituted therefor:

Full-time
public
health
services

- (1) Every municipality that does not form part of a health unit shall provide such full-time public health services as the Minister may require.

SECTION 3. These new sections are self-explanatory.

SECTION 4. Self-explanatory.

SECTION 5. The purpose of this new section is to provide Indian bands with full-time health services.

SECTION 6. Complementary to subsection 3 of section 2 of this Bill.

SECTION 7. This new section provides for the control and regulation of waste disposal systems and sites.

- (2) Where a municipality fails to provide full-time public health services as required by the Minister, the Minister may furnish or cause to be furnished the full-time public health services required, and the cost thereof shall be charged to the municipality. Idem

5. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

35b.—(1) In this section, “band” and “council of a band” have the same meaning as in the *Indian Act* (Canada). Interpre-
tation
R.S.C. 1952,
c. 149

- (2) The provisions of section 35 that apply to a township municipality apply *mutatis mutandis* to a band, and the council of a band shall be deemed to be the council of a township municipality. Application
of s. 35 to
Indian
bands

6. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

HEALTH FACILITIES

- 43.—(1) No person shall operate a health facility of any class prescribed by the regulations made under paragraph 31 of section 6 without a licence therefor. Licence to
operate

- (2) No person shall operate or be engaged in a health facility of any class prescribed by the regulations made under paragraph 31 of section 6 without being qualified as required by the regulations. Qualifica-
tions

7. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

WASTE DISPOSAL

95a.—(1) In this section,

Interpre-
tation

- (a) “municipality” includes a metropolitan municipality;
- (b) “operator” means a person or municipality that owns or operates a waste disposal system or a waste disposal site;
- (c) “waste” means ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse, and includes such other wastes as are designated by the regulations;

(d) "waste disposal site" means any land upon which or building in which waste is deposited or processed for incineration, ultimate disposal or decomposition;

(e) "waste disposal system" means any waste disposal site and any transfer station at which collection vehicles are emptied and any facilities provided at the site for the storage of waste and cover material and includes such other facilities as are necessary for the handling and disposal of waste.

Where
section
does not
apply

(2) This section does not apply to the disposal of household wastes by any person on his own land unless in the opinion of the medical officer of health, such disposal creates a nuisance or a hazard to public health.

Existing
systems
and sites
that
comply

(3) Where a waste disposal system is in operation or a waste disposal site is being used when this section comes into force and such system or site complies with this Act and the regulations, the Minister may issue a certificate of approval therefor.

Idem,
that do not
comply

(4) Where a waste disposal system is in operation or a waste disposal site is being used when this section comes into force and such site or system does not comply with this section and the regulations, the Minister may issue a provisional certificate of approval upon such terms and conditions as the regulations prescribe.

New systems
and sites
and exten-
sions, etc.,
of existing
systems
and sites

(5) No person or municipality shall establish, alter, enlarge or extend,

(a) a waste disposal system; or

(b) a waste disposal site,

unless a certificate of approval has been issued therefor.

Condition
precedent
to issue of
certificate

(6) No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

(a) deposited a sum of money; or

(b) furnished a performance bond,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste disposal system or the waste disposal site or the removal of the waste from the system or site if the Minister deems such removal necessary.

- (7) The deposit mentioned in clause *a* of subsection 6 ^{Return of deposit} may be returned to the depositor upon such terms and conditions as the regulations prescribe.
- (8) An applicant for a certificate of approval of a waste disposal system or a waste disposal site that it is ^{Publication of notice of application} proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication.
- (9) An applicant for a certificate of approval under sub- ^{Information to be furnished} section 8 shall submit to the Minister, plans, specifications and an engineer's report of the work to be undertaken, together with such other information as the Minister may require.
- (10) No by-law for raising money to finance any work ^{No money by-law without certificate} under subsection 8 shall be passed by the council of a municipality until a certificate of approval has been issued therefor.
- (11) No person or municipality shall deposit waste upon ^{Prohibition as to deposit of waste} any land or in any building that is not,
- (a) a waste disposal site; or
- (b) a waste disposal site that is part of a waste disposal system,
- for which a certificate of approval or a provisional certificate of approval has been issued.
- (12) The Minister or a medical officer of health may order ^{Order for removal of waste} any person who deposits any waste upon any land or in any building that has not been approved as a waste disposal site to remove such waste and to restore the site to a condition satisfactory to the Minister or the medical officer of health, as the case may be.

Order upon
failure to
comply with
regulations

- (13) Where a waste disposal system or a waste disposal site is not in conformity with the regulations, the Minister may order the operator to take such action as he may require to bring the system or the site into conformity with the regulations within the time specified in the order.

Action upon
failure to
comply with
order

- (14) Where an operator fails to comply with an order under subsection 13, the Minister may cause the necessary work to be done and charge the owner with the cost thereof, which in the case of an operator other than a municipality may be deducted from the deposit mentioned in subsection 6 or may be recovered with costs in any court of competent jurisdiction.

Former
disposal
sites

- (15) No use shall be made of land which has been used for the disposal of waste within a period of twenty-five years from the year in which the land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Offences

- (16) Every person or municipality that contravenes any provision of this section or the regulations or fails to comply with an order made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000.

Municipal
responsi-
bility

- (17) Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste disposal system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

Regulations

- (18) The Lieutenant Governor in Council may make regulations,
- (a) designating wastes in addition to those specified in clause *b* of section 1;
 - (b) classifying waste disposal systems and waste disposal sites, and exempting any class thereof from this section or the regulations or any provision thereof;

SECTION 8. See note to section 2 (2) of this Bill.

SECTION 9. This new section will enable isolated municipalities to provide full-time public health services.

(c) providing for the issue of certificates of approval and provisional certificates of approval for waste disposal systems or waste disposal sites, prescribing terms and conditions upon which provisional certificates of approval may be issued, and providing for the cancellation and suspension of certificates of approval and provisional certificates of approval and the procedure therefor;

(d) governing and regulating the treatment and disposal of waste and prescribing standards for waste disposal systems and waste disposal sites;

(e) prescribing the amounts and conditions of deposits and bonds for the purpose of subsection 6 and prescribing the terms and conditions upon which deposits may be returned under subsection 7;

(f) prescribing the records that shall be kept by operators of waste disposal systems and waste disposal sites and the reports that shall be made by such operators;

(g) respecting any matter necessary or advisable to carry out the intent and purpose of this section or the regulations.

8. Section 100 of *The Public Health Act* is repealed.

R.S.O. 1960,
c. 321, s. 100,
repealed

9. *The Public Health Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 321,
amended

131a.—(1) Where a municipality in a territorial district,
(a) does not form part of a health unit; and

Full-time
public health
services in
isolated
municipalities

(b) does not provide full-time public health services,

the Minister may enter into an agreement with the council of the municipality to provide full-time public health services.

(2) The agreement mentioned in subsection 1 shall specify the services to be rendered and the charges to be made for such services.

Idem

Commence- ment	10. —(1) This Act, except subsection 2 of section 2, sections 3, 4, 6, 7 and 8, comes into force on the day it receives Royal Assent.
Idem	(2) Subsection 2 of section 2, sections 3, 4, 6, 7 and 8 come into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	11. This Act may be cited as <i>The Public Health Amendment Act, 1967</i> .

1st Reading

April 7th, 1967

2nd Reading

April 13th, 1967

3rd Reading

MR. DYMOND

(Reprinted as amended by the
Committee on Health)

BILL 71

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Public Health Act

MR. DYMOND

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 321, s. 1,
amended

(ea) "full-time public health services" means the public health services provided by medical officers of health, public health nurses or public health inspectors who are employed full-time by the Department, a municipality or the board of health of a health unit, and includes such other full-time public health services as the regulations prescribe.

2.—(1) Section 6 of *The Public Health Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 321, s. 6,
amended

21a. prescribing the amounts, terms and conditions applicable to the payment of grants under section 21a or 21b and designating non-profit organizations or institutions for the purpose of section 21b;

21b. prescribing services in addition to those mentioned in clause ea of section 1.

(2) Paragraphs 25, 26, 27, 28, 29 and paragraph 29a, as enacted by section 1 of *The Public Health Amendment Act, 1965*, of the said section 6 are repealed.

R.S.O. 1960,
c. 321, s. 6,
pars. 25-29,
par. 29a
(1965,
c. 106, s. 1),
repealed

(3) Paragraphs 31 and 32 of the said section 6 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 321, s. 6,
pars. 31, 32,
re-enacted

31. licensing, regulating and controlling designated health facilities classes of public health and medical laboratories, radiological clinics for diagnosis and therapy, pros-

thetic and orthotic establishments and such other classes of health facilities as the regulations may designate;

Idem

32. prescribing qualifications for persons operating or engaged in a health facility of any class licensed under paragraph 31.

R.S.O. 1960,
c. 321,
amended

3. *The Public Health Act* is amended by adding thereto the following sections:

Grants for
full-time
public
health
services

- 21a. The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to the board of health of a municipality that provides full-time public health services.

Interpre-
tation

- 21b.—(1) In this section, “community health facility” means any building or place or any part of a building or place that is maintained, operated or used,

(a) for the diagnosis, treatment or rehabilitation of persons suffering from physical or mental disorders;

(b) for the prevention of physical or mental disorders; or

(c) by a local board in performing its functions.

Grants for
community
health
facilities

- (2) The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to a non-profit organization designated by the regulations, a municipality or a local board towards the cost of construction, alteration or additions to a community health facility.

Exceptions

- (3) This section does not apply to a hospital, sanatorium or other institution of a class designated by the regulations.

R.S.O. 1960,
c. 321, s. 34,
subs. 1
(1964,
c. 93, s. 4),
re-enacted;
subs. 1a
(1964,
c. 93, s. 4),
repealed;
subs. 2,
re-enacted

4. Subsection 1, as re-enacted by section 4 of *The Public Health Amendment Act, 1964*, subsection 1a, as enacted by section 4 of *The Public Health Amendment Act, 1964* and amended by section 8 of *The Public Health Amendment Act, 1966*, and subsection 2 of section 34 of *The Public Health Act* are repealed and the following substituted therefor:

Full-time
public
health
services

- (1) Every municipality that does not form part of a health unit shall provide such full-time public health services as the Minister may require.

- (2) Where a municipality fails to provide full-time public health services as required by the Minister, the Minister may furnish or cause to be furnished the full-time public health services required, and the cost thereof shall be charged to the municipality. Idem

5. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

35b.—(1) In this section, “band” and “council of a band” have the same meaning as in the *Indian Act* (Canada). Interpre-
tation
R.S.C. 1952,
c. 149

- (2) The provisions of section 35 that apply to a township municipality apply *mutatis mutandis* to a band, and the council of a band shall be deemed to be the council of a township municipality. Application
of s. 35 to
Indian
bands

6. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

HEALTH FACILITIES

43.—(1) No person shall operate a health facility of any class prescribed by the regulations made under paragraph 31 of section 6 without a licence therefor. Licence to
operate

- (2) No person shall operate or be engaged in a health facility of any class prescribed by the regulations made under paragraph 31 of section 6 without being qualified as required by the regulations. Qualifica-
tions

7. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

WASTE DISPOSAL

95a.—(1) In this section, Interpre-
tation

- (a) “municipality” includes a metropolitan municipality;
- (b) “operator” means a person or municipality that owns or operates a waste disposal system or a waste disposal site;
- (c) “waste” means ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse, and includes such other wastes as are designated by the regulations;

(d) "waste disposal site" means any land upon which or building in which waste is deposited or processed for incineration, ultimate disposal or decomposition;

(e) "waste disposal system" means any waste disposal site and any transfer station at which collection vehicles are emptied and any facilities provided at the site for the storage of waste and cover material and includes such other facilities as are necessary for the handling and disposal of waste.

Where
section
does not
apply

(2) This section does not apply to the disposal of household wastes by any person on his own land unless, in the opinion of the medical officer of health, such disposal creates a nuisance or a hazard to public health.

Existing
systems
and sites
that
comply

(3) Where a waste disposal system is in operation or a waste disposal site is being used when this section comes into force and such system or site complies with this Act and the regulations, the Minister may issue a certificate of approval therefor.

Idem,
that do not
comply

(4) Where a waste disposal system is in operation or a waste disposal site is being used when this section comes into force and such site or system does not comply with this section and the regulations, the Minister may issue a provisional certificate of approval upon such terms and conditions as the regulations prescribe.

New systems
and sites
and exten-
sions, etc.,
of existing
systems
and sites

(5) No person or municipality shall establish, alter, enlarge or extend,

(a) a waste disposal system; or

(b) a waste disposal site,

unless a certificate of approval has been issued therefor.

Condition
precedent
to issue of
certificate

(6) No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

(a) deposited a sum of money; or

(b) furnished a performance bond,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste disposal system or the waste disposal site or the removal of the waste from the system or site if the Minister deems such removal necessary.

- (7) The deposit mentioned in clause *a* of subsection 6 Return of deposit may be returned to the depositor upon such terms and conditions as the regulations prescribe.
- (8) An applicant for a certificate of approval of a waste disposal system or a waste disposal site that it is Publication of notice of application proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication.
- (9) An applicant for a certificate of approval under subsection 8 shall submit to the Minister, plans, specifications and an engineer's report of the work to be undertaken, together with such other information as the Minister may require. Information to be furnished
- (10) No by-law for raising money to finance any work under subsection 8 shall be passed by the council of a municipality until a certificate of approval has been issued therefor. No money by-law without certificate
- (11) No person or municipality shall deposit waste upon any land or in any building that is not, Prohibition as to deposit of waste
 - (a) a waste disposal site; or
 - (b) a waste disposal site that is part of a waste disposal system,

for which a certificate of approval or a provisional certificate of approval has been issued.
- (12) The Minister or a medical officer of health may order Order for removal of waste any person who deposits any waste upon any land or in any building that has not been approved as a waste disposal site to remove such waste and to restore the site to a condition satisfactory to the Minister or the medical officer of health, as the case may be.

Order upon
failure to
comply with
regulations

- (13) Where a waste disposal system or a waste disposal site is not in conformity with the regulations, the Minister may order the operator to take such action as he may require to bring the system or the site into conformity with the regulations within the time specified in the order.

Action upon
failure to
comply with
order

- (14) Where an operator fails to comply with an order under subsection 13, the Minister may cause the necessary work to be done and charge the owner with the cost thereof, which in the case of an operator other than a municipality may be deducted from the deposit mentioned in subsection 6 or may be recovered with costs in any court of competent jurisdiction.

Former
disposal
sites

- (15) No use shall be made of land which has been used for the disposal of waste within a period of twenty-five years from the year in which the land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Offences

- (16) Every person or municipality that contravenes any provision of this section or the regulations or fails to comply with an order made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000.

Municipal
responsi-
bility

- (17) Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste disposal system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

Regulations

- (18) The Lieutenant Governor in Council may make regulations,
- (a) designating wastes in addition to those specified in clause *b* of section 1;
 - (b) classifying waste disposal systems and waste disposal sites, and exempting any class thereof from this section or the regulations or any provision thereof;

- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste disposal systems or waste disposal sites, prescribing terms and conditions upon which provisional certificates of approval may be issued, and providing for the cancellation and suspension of certificates of approval and provisional certificates of approval and the procedure therefor;
- (d) governing and regulating the treatment and disposal of waste and prescribing standards for waste disposal systems and waste disposal sites;
- (e) prescribing the amounts and conditions of deposits and bonds for the purpose of subsection 6 and prescribing the terms and conditions upon which deposits may be returned under subsection 7;
- (f) prescribing the records that shall be kept by operators of waste disposal systems and waste disposal sites and the reports that shall be made by such operators;
- (g) respecting any matter necessary or advisable to carry out the intent and purpose of this section or the regulations.

8. Section 100 of *The Public Health Act* is repealed.

R.S.O. 1960,
c. 321, s. 100,
repealed

9. *The Public Health Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 321,
amended

131a.—(1) Where a municipality in a territorial district,

Full-time
public health
services in
isolated
municipalities

- (a) does not form part of a health unit; and
- (b) does not provide full-time public health services,

the Minister may enter into an agreement with the council of the municipality to provide full-time public health services.

- (2) The agreement mentioned in subsection 1 shall specify the services to be rendered and the charges to be made for such services. Idem

Commence-
ment

10.—(1) This Act, except subsection 2 of section 2, sections 3, 4, 6, 7 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 2, sections 3, 4, 6, 7 and 8 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Public Health Amendment Act, 1967*.

An Act to amend The Public Health Act

1st Reading

April 7th, 1967

2nd Reading

April 13th, 1967

3rd Reading

May 8th, 1967

MR. DYMOND

BILL 72

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Highway Traffic Act

MR. HASKETT

EXPLANATORY NOTES

SECTION 1. Subsection 5 is revised to delete the restriction as to the height of the numbers on the number plate and to refer to the permit issued for the current year or any part thereof.

SECTION 2. At present, a volunteer fire fighter's motor vehicle may carry an amber lamp. The amendment will permit a combined amber and white flashing light located on the left front fender.

SECTION 3—Subsection 1. At present, motorcycles are required to be equipped with at least one brake. The amendment will require at least two braking systems.

Subsection 2. Subsections 4 and 5 are revised to refer to braking systems as well as to brakes.

BILL 72

1967

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 8 of *The Highway Traffic Act*, R.S.O. 1960, c. 172, s. 8, as re-enacted by section 3 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor: subs. 5 (1966, c. 64, s. 3), re-enacted

(5) A motorcycle while being driven on a highway shall have attached to and exposed on the back thereof a number plate furnished by the Department showing in plain figures the number of the permit of such motorcycle issued for the current year or any part thereof and so fixed that the number is plainly visible from the rear of the motorcycle. Number plate on motorcycle

2. Subsection 13 of section 33 of *The Highway Traffic Act* R.S.O. 1960, c. 172, s. 33, is repealed and the following substituted therefor: subs. 13, re-enacted

(13) A volunteer fire fighter under *The Fire Departments Act* may carry on the left front fender of his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber and a white flashing light showing the letters "V.F.F.", which lamp shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency, and no other motor vehicle shall carry any such lamp. Vehicles of volunteer fire fighters R.S.O. 1960, c. 145

3.—(1) Subsection 2 of section 35 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 35, subs. 2, re-enacted

(2) Every motorcycle when being operated on a highway shall be equipped with at least two braking systems each with a separate means of application with one effective on the front wheel and one effective on the rear wheel. Motorcycle

(2) Subsections 4 and 5 of the said section 35 are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 35, subss. 4, 5, re-enacted

Condition
of brakes

- (4) All such brakes and braking systems shall be maintained in good working order and shall conform to the regulations made under this section.

Inspection

- (5) Any constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or cause an inspection to be made of the brakes and braking systems on any vehicle on the highway, and may, if the brakes or braking systems do not conform to the regulations made under this section, require the driver of the vehicle to proceed forthwith to make or have such brakes and braking systems made to comply with such regulations.

R.S.O. 1960,
c. 172, s. 38a
(1966,
c. 64, s. 6),
re-enacted

4. Section 38a of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor:

Tire
regulations

38a.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards and specifications of tires to be used on vehicles or any class or classes thereof;
- (b) providing for and requiring the identification and marking of tires;
- (c) prohibiting the sale of tires or any type thereof that do not comply with the standards and specifications therefor prescribed by the regulations and that are not marked in accordance with the regulations;
- (d) prohibiting the use of any type of tire on a highway during any period of the year and designating such period.

Codes

- (2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted.

R.S.O. 1960,
c. 172, s. 42,
subs. 1,
amended

5. Subsection 1 of section 42 of *The Highway Traffic Act* is amended by inserting after "cut-out" in the fourth line "straight exhaust, gutted muffler, hollywood muffler", so that the subsection shall read as follows:

SECTION 4. Section 38a is revised to include authority to prohibit the use on a highway of any type of tire during any period of the year and to adopt any code, in whole or in part, in relation to the standards and specifications of tires.

SECTION 5. The subsection is amended to prohibit the use of what are known as straight exhausts, gutted mufflers and hollywood mufflers, which are designed to decrease the effectiveness of a muffler.

SECTION 6. Self-explanatory.

- (1) Every motor vehicle shall be equipped with a muffler ^{Muffler} in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle.

6. Section 49 of *The Highway Traffic Act*, as amended by ^{R.S.O. 1960,} section 9 of *The Highway Traffic Amendment Act, 1966*, is ^{c. 172, s. 49,} repealed and the following substituted therefor: ^{re-enacted}

- 49.—(1) Except as provided in subsection 2, every ^{Certificate of mechanical fitness} dealer in used motor vehicles, before he enters into a contract to sell a used motor vehicle, shall give to the purchaser a certificate of mechanical fitness on the form prescribed by the regulations that is duly completed and signed by the dealer stating that the motor vehicle is in a safe condition to be operated on a highway.
- (2) When a dealer in used motor vehicles sells a used ^{Sale of motor vehicle for which a certificate cannot be given} motor vehicle that cannot be certified as mechanically fit as provided in subsection 1, he shall,
- (a) give to the purchaser a bill of sale therefor on the form prescribed by the regulations; and
- (b) forthwith remove the number plates from the motor vehicle and forward them, together with the permit for the motor vehicle and a copy of the bill of sale, to the Registrar.
- (3) A used motor vehicle sold under subsection 2 may be ^{Registration of motor vehicle sold without certificate of mechanical fitness} registered under Part II only upon the production of the bill of sale together with a certificate of mechanical fitness on a form prescribed by the regulations and duly completed and signed by a person holding a subsisting certificate of qualification as a motor mechanic under *The Apprenticeship and Tradesmen's Qualification Act, 1964*. ^{1964, c. 3}
- (4) The Lieutenant Governor in Council may make ^{Forms} regulations prescribing the form and content of the bill of sale and certificates of mechanical fitness required under this section.
- (5) Subsections 1 and 2 do not apply when a motor ^{Application where sale to another dealer} vehicle is sold by a dealer to another dealer.

Penalty for
contraven-
tion of
subs. 1 or 2

- (6) Every dealer who contravenes any provision of subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300.

Penalty for
false state-
ment in
certificate

- (7) Every person who makes a false statement in a certificate of mechanical fitness is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300.

R.S.O. 1960,
c. 172, s. 52,
subs. 2a
(1966,
c. 64, s. 11,
subs. 2),
amended

7. Subsection 2a of section 52 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966*, is amended by striking out "1967" in the seventh line and inserting in lieu thereof "1968", so that the subsection shall read as follows:

Moving of
three-axle
semi-trailers
or pole-
trailers
registered
prior to
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer or a pole-trailer referred to in such paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 30th day of June, 1968.

R.S.O. 1960,
c. 172, s. 54,
subs. 1,
amended

8. Subsection 1 of section 54 of *The Highway Traffic Act* is amended by inserting after "vehicle" in the second line "combination of vehicles" and by inserting after "vehicle" in the fourth line "or combination of vehicles", so that the subsection shall read as follows:

Prohibition
as to
carrying
load in
excess of
permit
R.S.O. 1960,
c. 337

- (1) Subject to subsection 1 of section 16 of *The Public Vehicles Act*, no motor vehicle, combination of vehicles or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit, and for which the fee therefor was estimated.

R.S.O. 1960,
c. 172, s. 59,
subs. 1,
amended

9.—(1) Subsection 1 of section 59 of *The Highway Traffic Act*, as amended by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, subsection 1 of section 13 of *The Highway Traffic Amendment Act, 1962-63*, subsection 1 of section 7 of *The Highway Traffic Amendment Act, 1964* and subsections 1 and 2 of section 10 of *The Highway Traffic Amendment Act, 1965*, is further amended by adding thereto the following clause:

- (c) the maximum speed posted for the driving of motor vehicles in a construction zone designated under subsection 11a.

SECTION 7. Tri-axled semi-trailers registered under the Act prior to July 1st, 1961 may be moved with a gross weight of 40,000 pounds on a Class A Highway until June 30th, 1967. The period is extended to June 30th, 1968.

SECTION 8. The provision is amended to apply to a combination of vehicles as well as to vehicles and trailers.

SECTION 9. The amendments authorize the designation of construction zones on the King's Highway, provide for the posting of maximum speed signs in construction zones and create an offence for driving at a greater rate of speed than is posted in such zones.

SECTION 10. Subsection 5 is as follows:

- (5) Subject to subsection 9 of section 70, when a pedestrian is crossing a roadway other than in a pedestrian crossover, he shall yield the right of way to the driver of a vehicle or street car.

Subsection 5 was enacted as part of the provisions dealing with pedestrian crossovers. It has been interpreted by the courts as negating the rule prior to such enactment that a pedestrian is entitled to the right of way in a crosswalk at any intersection when he has legally entered the crosswalk. The repeal of subsection 5 will place the pedestrian in the same position as he was prior to the enactment of subsection 5.

SECTION 11. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13. Self-explanatory.

SECTION 14. Subsection 1 at present applies only to owners of motor vehicles. It is revised to apply to owners of any vehicle, such as a trailer. For example, at present, under subsection 1, an owner is responsible for overweight infractions with respect to motor vehicles but is not responsible for overweight infractions respecting trailers.

(2) The said section 59 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 172, s. 59,
amended

(11a) The Lieutenant Governor in Council may designate any part of the King's Highway as a construction zone, and every construction zone shall be marked by signs in accordance with the regulations. Construction
zones

(11b) Signs posting the maximum speeds at which motor vehicles may be driven in a construction zone may be erected in accordance with the regulations by an official of the Department of Highways. Speed limit
signs in
construction
zones

10. Subsection 5 of section 67a of *The Highway Traffic Act*, as enacted by section 8 of *The Highway Traffic Amendment Act, 1964*, is repealed. R.S.O. 1960,
c. 172, s. 67a
(1964,
c. 38, s. 8),
subs. 5,
repealed

11. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

80a. No person shall drive on a highway a motor vehicle, other than a commercial motor vehicle, that is drawing more than one vehicle. Only one
vehicle to
be drawn on
highway

12. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

100b.—(1) Where an aircraft has made an emergency landing on a highway, the pilot, if he is physically capable, shall, within a reasonable time, remove it or cause it to be removed from the roadway. Removal of
aircraft
from road-
way after
emergency
landing

(2) No aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway. Aircraft
and move-
ment along
highway
subject to
Act

13. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

145a. It is the duty of every legally qualified medical practitioner to report to the Registrar the name, address and diagnosis of every person coming under his diagnosis, treatment, care or charge who is suffering from a condition that in the opinion of the medical practitioner is such as to make it dangerous for such person to operate a motor vehicle. Report of
medical
practitioner

14. Subsection 1 of section 148 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 148,
subs. 1,
re-enacted

Vehicle
owner and
driver
liable for
penalties

- (1) Subject to subsection 2, the owner of a vehicle shall incur the penalties provided for any contravention of this Act or of any regulation made by the Lieutenant Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the contravention the vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver or operator of a vehicle not being the owner shall also incur the penalties provided for any such contravention.

Commence-
ment

15.—(1) This Act, except sections 2, 3, 5, 6, 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 5, 6, 11 and 12 come into force on the 1st day of July, 1967.

Short title

16. This Act may be cited as *The Highway Traffic Amendment Act, 1967*.

1st Reading

April 7th, 1967

2nd Reading

3rd Reading

MR. HASKETT

BILL 72

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Highway Traffic Act

MR. HASKETT

BILL 72

1967

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 8 of *The Highway Traffic Act*, R.S.O. 1960, c. 172, s. 8, as re-enacted by section 3 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor: subs. 5 (1966, c. 64, s. 3), re-enacted

(5) A motorcycle while being driven on a highway shall have attached to and exposed on the back thereof a number plate furnished by the Department showing in plain figures the number of the permit of such motorcycle issued for the current year or any part thereof and so fixed that the number is plainly visible from the rear of the motorcycle. Number plate on motorcycle

2. Subsection 13 of section 33 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 13, re-enacted

(13) A volunteer fire fighter under *The Fire Departments Act* may carry on the left front fender of his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber and a white flashing light showing the letters "V.F.F.", which lamp shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency, and no other motor vehicle shall carry any such lamp. Vehicles of volunteer fire fighters R.S.O. 1960, c. 145

3.—(1) Subsection 2 of section 35 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 35, subs. 2, re-enacted

(2) Every motorcycle when being operated on a highway shall be equipped with at least two braking systems each with a separate means of application with one effective on the front wheel and one effective on the rear wheel. Motorcycle

(2) Subsections 4 and 5 of the said section 35 are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 35, subs. 4, 5, re-enacted

Condition
of brakes

- (4) All such brakes and braking systems shall be maintained in good working order and shall conform to the regulations made under this section.

Inspection

- (5) Any constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or cause an inspection to be made of the brakes and braking systems on any vehicle on the highway, and may, if the brakes or braking systems do not conform to the regulations made under this section, require the driver of the vehicle to proceed forthwith to make or have such brakes and braking systems made to comply with such regulations.

R.S.O. 1960,
c. 172, s. 38a
(1966,
c. 64, s. 6),
re-enacted

4. Section 38a of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor:

Tire
regulations

38a.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards and specifications of tires to be used on vehicles or any class or classes thereof;
- (b) providing for and requiring the identification and marking of tires;
- (c) prohibiting the sale of tires or any type thereof that do not comply with the standards and specifications therefor prescribed by the regulations and that are not marked in accordance with the regulations;
- (d) prohibiting the use of any type of tire on a highway during any period of the year and designating such period.

Codes

- (2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted.

R.S.O. 1960,
c. 172, s. 42,
subs. 1,
amended

5. Subsection 1 of section 42 of *The Highway Traffic Act* is amended by inserting after "cut-out" in the fourth line "straight exhaust, gutted muffler, hollywood muffler", so that the subsection shall read as follows:

- (1) Every motor vehicle shall be equipped with a muffler ^{Muffler} in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle.

6. Section 49 of *The Highway Traffic Act*, as amended by R.S.O. 1960, c. 172, s. 49, section 9 of *The Highway Traffic Amendment Act, 1966*, is re-enacted repealed and the following substituted therefor:

- 49.—(1) Except as provided in subsection 2, every dealer in used motor vehicles, before he enters into a contract to sell a used motor vehicle, shall give to the purchaser a certificate of mechanical fitness on the form prescribed by the regulations that is duly completed and signed by the dealer stating that the motor vehicle is in a safe condition to be operated on a highway. ^{Certificate of mechanical fitness}
- (2) When a dealer in used motor vehicles sells a used motor vehicle that cannot be certified as mechanically fit as provided in subsection 1, he shall, ^{Sale of motor vehicle for which a certificate cannot be given}
- (a) give to the purchaser a bill of sale therefor on the form prescribed by the regulations; and
- (b) forthwith remove the number plates from the motor vehicle and forward them, together with the permit for the motor vehicle and a copy of the bill of sale, to the Registrar.
- (3) A used motor vehicle sold under subsection 2 may be registered under Part II only upon the production of the bill of sale together with a certificate of mechanical fitness on a form prescribed by the regulations and duly completed and signed by a person holding a subsisting certificate of qualification as a motor mechanic under *The Apprenticeship and Tradesmen's Qualification Act, 1964*. ^{Registration of motor vehicle sold without certificate of mechanical fitness} 1964, c. 3
- (4) The Lieutenant Governor in Council may make regulations prescribing the form and content of the bill of sale and certificates of mechanical fitness required under this section. ^{Forms}
- (5) Subsections 1 and 2 do not apply when a motor vehicle is sold by a dealer to another dealer. ^{Application where sale to another dealer}

Penalty for
contraven-
tion of
subs. 1 or 2

- (6) Every dealer who contravenes any provision of subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300.

Penalty for
false state-
ment in
certificate

- (7) Every person who makes a false statement in a certificate of mechanical fitness is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300.

R.S.O. 1960,
c. 172, s. 52,
subs. 2a
(1966,
c. 64, s. 11,
subs. 2),
amended

7. Subsection 2a of section 52 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966*, is amended by striking out "1967" in the seventh line and inserting in lieu thereof "1968", so that the subsection shall read as follows:

Moving of
three-axle
semi-trailers
or pole-
trailers
registered
prior to
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer or a pole-trailer referred to in such paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 30th day of June, 1968.

R.S.O. 1960,
c. 172, s. 54,
subs. 1,
amended

8. Subsection 1 of section 54 of *The Highway Traffic Act* is amended by inserting after "vehicle" in the second line "combination of vehicles" and by inserting after "vehicle" in the fourth line "or combination of vehicles", so that the subsection shall read as follows:

Prohibition
as to
carrying
load in
excess of
permit
R.S.O. 1960,
c. 337

- (1) Subject to subsection 1 of section 16 of *The Public Vehicles Act*, no motor vehicle, combination of vehicles or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit, and for which the fee therefor was estimated.

R.S.O. 1960,
c. 172, s. 59,
subs. 1,
amended

9.—(1) Subsection 1 of section 59 of *The Highway Traffic Act*, as amended by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, subsection 1 of section 13 of *The Highway Traffic Amendment Act, 1962-63*, subsection 1 of section 7 of *The Highway Traffic Amendment Act, 1964* and subsections 1 and 2 of section 10 of *The Highway Traffic Amendment Act, 1965*, is further amended by adding thereto the following clause:

- (c) the maximum speed posted for the driving of motor vehicles in a construction zone designated under subsection 11a.

(2) The said section 59 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 172, s. 59,
amended

(11a) The Lieutenant Governor in Council may designate any part of the King's Highway as a construction zone, and every construction zone shall be marked by signs in accordance with the regulations. Construction
zones

(11b) Signs posting the maximum speeds at which motor vehicles may be driven in a construction zone may be erected in accordance with the regulations by an official of the Department of Highways. Speed limit
signs in
construction
zones

10. Subsection 5 of section 67a of *The Highway Traffic Act*, as enacted by section 8 of *The Highway Traffic Amendment Act, 1964*, is repealed. R.S.O. 1960,
c. 172, s. 67a
(1964,
c. 38, s. 8),
subs. 5,
repealed

11. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

80a. No person shall drive on a highway a motor vehicle, other than a commercial motor vehicle, that is drawing more than one vehicle. Only one
vehicle to
be drawn on
highway

12. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

100b.—(1) Where an aircraft has made an emergency landing on a highway, the pilot, if he is physically capable, shall, within a reasonable time, remove it or cause it to be removed from the roadway. Removal of
aircraft
from road-
way after
emergency
landing

(2) No aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway. Aircraft
and move-
ment along
highway
subject to
Act

13. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

145a. It is the duty of every legally qualified medical practitioner to report to the Registrar the name, address and diagnosis of every person coming under his diagnosis, treatment, care or charge who is suffering from a condition that in the opinion of the medical practitioner is such as to make it dangerous for such person to operate a motor vehicle. Report of
medical
practitioner

14. Subsection 1 of section 148 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 148,
subs. 1
re-enacted

Vehicle
owner and
driver
liable for
penalties

- (1) Subject to subsection 2, the owner of a vehicle shall incur the penalties provided for any contravention of this Act or of any regulation made by the Lieutenant Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the contravention the vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver or operator of a vehicle not being the owner shall also incur the penalties provided for any such contravention.

Commence-
ment

15.—(1) This Act, except sections 2, 3, 5, 6, 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 5, 6, 11 and 12 come into force on the 1st day of July, 1967.

Short title

16. This Act may be cited as *The Highway Traffic Amendment Act, 1967*.

1st Reading

April 7th, 1967

2nd Reading

April 13th, 1967

3rd Reading

April 26th, 1967

MR. HASKETT

BILL 73

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. BALES

EXPLANATORY NOTES

SECTION 1. The scope of the prohibition is widened. At present, section 3 reads:

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,
 - (a) deny to any person or class of persons occupancy of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units; or
 - (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.

SECTION 2. The clause being repealed provides that the employment prohibitions of the Code do not apply to employers who employ fewer than five employees.

BILL 73

1967

**An Act to amend
The Ontario Human Rights Code, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of section 3 of *The Ontario Human Rights Code, 1961-62*, as re-enacted by section 2 of *The Ontario Human Rights Code Amendment Act, 1965*, are repealed and the following substituted therefor: 1961-62,
c. 93, s. 3,
cls. *a*, *b*
(1965,
c. 85, s. 2),
re-enacted

- (a) deny to any person or class of persons occupancy of any commercial unit or any self-contained dwelling unit; or
- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any self-contained dwelling unit.

2. Clause *c* of subsection 4 of section 4 of *The Ontario Human Rights Code, 1961-62* is repealed. 1961-62,
c. 93, s. 4,
subs. 4,
cl. *c*,
repealed

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1967*. Short title

An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

April 10th, 1967

2nd Reading

3rd Reading

MR. BATES

BILL 73

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. BALES

BILL 73

1967

**An Act to amend
The Ontario Human Rights Code, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of section 3 of *The Ontario Human Rights Code, 1961-62*, as re-enacted by section 2 of *The Ontario Human Rights Code Amendment Act, 1965*, are repealed and the following substituted therefor:

1961-62,
c. 93, s. 3,
cls. *a*, *b*
(1965,
c. 85, s. 2),
re-enacted

- (*a*) deny to any person or class of persons occupancy of any commercial unit or any self-contained dwelling unit; or
- (*b*) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any self-contained dwelling unit.

2. Clause *c* of subsection 4 of section 4 of *The Ontario Human Rights Code, 1961-62* is repealed.

1961-62,
c. 93, s. 4,
subs. 4,
cl. *c*,
repealed

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1967*.

Short title

An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

April 10th, 1967

2nd Reading

April 17th, 1967

3rd Reading

May 8th, 1967

MR. BALES

BILL 74

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Niagara Parks Act

MR. ALLAN

EXPLANATORY NOTES

SECTIONS 1 and 2. The provisions added require the Commission to be responsible to a Minister.

SECTION 3. The changes require the appointment of provincial members to the Commission to be for staggered terms of three years, and provide for the remuneration of members of the Commission.

BILL 74

1967

An Act to amend The Niagara Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Niagara Parks Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 262, s. 1,
amended

(aa) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. *The Niagara Parks Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 262,
amended

1a. The Minister is responsible for the administration of this Act. Administration
of Act

3.—(1) Subsections 2, 3, 4 and 5 of section 2 of *The Niagara Parks Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 262, s. 2,
subss. 2-5,
re-enacted

(2) The Commission shall be composed of not fewer than nine and not more than eleven members appointed by the Lieutenant Governor in Council of whom, Composition
of
Commission

(a) not fewer than six and not more than eight members shall be appointed for the terms prescribed in subsection 3;

(b) one member shall be a member of the council of the County of Welland and shall be appointed annually upon the recommendation of such council;

(c) one member shall be a member of the council of the County of Lincoln and shall be appointed annually upon the recommendation of such council; and

- (d) one member shall be a member of the council of the City of Niagara Falls and shall be appointed annually upon the recommendation of such council.

Terms
of office

- (3) Of the persons first appointed under clause *a* of subsection 2,

(a) at least two members shall be appointed for a term of one year;

(b) at least two members shall be appointed for a term of two years; and

(c) at least two members shall be appointed for a term of three years,

and, as the term of any such member expires, the appointment to fill the vacancy shall be for a term of three years and a member whose term expires is eligible for re-appointment.

Chairman
and vice-
chairman

- (4) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one of the members as vice-chairman.

Vacancies

- (5) Where a vacancy occurs in an appointment under subsection 2, the vacancy may be filled for the remainder of the unexpired term in the same manner as the appointment.

Remunera-
tion

- (5a) The Lieutenant Governor in Council may determine the annual remuneration to be paid to the chairman and vice-chairman of the Commission and such remuneration at a *per diem* rate for the other members of the Commission as is considered advisable.

Composition
of Board
before
appoint-
ments

- (2) The members of The Niagara Parks Commission who are in office when this Act comes into force shall remain in office until the members appointed under subsection 2 of section 2 of *The Niagara Parks Act*, as re-enacted by subsection 1, are appointed.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Niagara Parks Amendment Act, 1967*.

1874-1875

1875-1876

1876-1877

1877-1878

1878-1879

An Act to amend The Niagara Parks Act

1st Reading

April 11th, 1967

2nd Reading

3rd Reading

MR. ALAN

BILL 74

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Niagara Parks Act

MR. ALLAN

THE UNIVERSITY OF CHICAGO
LIBRARY

UNIVERSITY OF CHICAGO LIBRARY

1911

BILL 74

1967

An Act to amend The Niagara Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Niagara Parks Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 262, s. 1,
amended

(aa) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. *The Niagara Parks Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 262,
amended

1a. The Minister is responsible for the administration of this Act. Administration
of Act

3.—(1) Subsections 2, 3, 4 and 5 of section 2 of *The Niagara Parks Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 262, s. 2,
subss. 2-5,
re-enacted

(2) The Commission shall be composed of not fewer than nine and not more than eleven members appointed by the Lieutenant Governor in Council of whom, Composition
of
Commission

(a) not fewer than six and not more than eight members shall be appointed for the terms prescribed in subsection 3;

(b) one member shall be a member of the council of the County of Welland and shall be appointed annually upon the recommendation of such council;

(c) one member shall be a member of the council of the County of Lincoln and shall be appointed annually upon the recommendation of such council; and

- (d) one member shall be a member of the council of the City of Niagara Falls and shall be appointed annually upon the recommendation of such council.

Terms
of office

- (3) Of the persons first appointed under clause *a* of subsection 2,

(a) at least two members shall be appointed for a term of one year;

(b) at least two members shall be appointed for a term of two years; and

(c) at least two members shall be appointed for a term of three years,

and, as the term of any such member expires, the appointment to fill the vacancy shall be for a term of three years and a member whose term expires is eligible for re-appointment.

Chairman
and vice-
chairman

- (4) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one of the members as vice-chairman.

Vacancies

- (5) Where a vacancy occurs in an appointment under subsection 2, the vacancy may be filled for the remainder of the unexpired term in the same manner as the appointment.

Remunera-
tion

- (5a) The Lieutenant Governor in Council may determine the annual remuneration to be paid to the chairman and vice-chairman of the Commission and such remuneration at a *per diem* rate for the other members of the Commission as is considered advisable.

Composition
of Board
before
appoint-
ments

- (2) The members of The Niagara Parks Commission who are in office when this Act comes into force shall remain in office until the members appointed under subsection 2 of section 2 of *The Niagara Parks Act*, as re-enacted by subsection 1, are appointed.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Niagara Parks Amendment Act, 1967*.

An Act to amend The Niagara Parks Act

1st Reading

April 11th, 1967

2nd Reading

April 21st, 1967

3rd Reading

May 8th, 1967

MR. ALLAN

BILL 75

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Human Tissue Act, 1962-63

MR. DYMOND

EXPLANATORY NOTE

The purpose of this Bill is to facilitate kidney, cornea and other transplants in the circumstances prescribed.

BILL 75

1967

**An Act to amend
The Human Tissue Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Human Tissue Act, 1962-63* is amended by adding thereto the following section: 1962-63,
c. 59,
amended

4a.—(1) Where a person who has not made a request to be a donor is, in the opinion of a duly qualified medical practitioner, incapable of making such a request and his death is imminent and inevitable, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters, may authorize the removal after death of any specified part or parts from the body of the person by a duly qualified medical practitioner and their use for therapeutic purposes or for the purposes of medical education or research. Where
death
imminent
and
inevitable

(2) A coroner shall be notified before any part is removed from the body of a person under subsection 1. Notice to
coroner

2. Clause *b* of section 5 of *The Human Tissue Act, 1962-63* is amended by striking out "or 4" in the first line and inserting in lieu thereof "4 or 4a", so that the clause shall read as follows: 1962-63,
c. 59, s. 5,
cl. b,
amended

(b) under section 2, 3, 4 or 4a is sufficient warrant for the removal of the specified part or parts of the body and the use thereof,

3.—(1) Subsection 2 of section 6 of *The Human Tissue Act, 1962-63* is amended by inserting after "4" in the first line "or 4a", so that the subsection shall read as follows: 1962-63,
c. 59, s. 6,
subs. 2,
amended

Idem (2) An authority shall not be given under section 4 or 4a if the person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

1962-63,
c. 59, s. 6,
subs. 3,
amended (2) Subsection 3 of the said section 6 is amended by striking out "or 4" in the first line and inserting in lieu thereof "4 or 4a", so that the subsection shall read as follows:

Idem (3) An authority shall not be given under section 2, 3, 4 or 4a if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Commence-
ment 4. This Act comes into force on the day it receives Royal Assent.

Short title 5. This Act may be cited as *The Human Tissue Amendment Act, 1967*.

An Act to amend
The Human Tissue Act, 1962-63

1st Reading

April 12th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 75

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Human Tissue Act, 1962-63

MR. DYMOND

BILL 75

1967

**An Act to amend
The Human Tissue Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Human Tissue Act, 1962-63* is amended by adding thereto the following section: 1962-63,
c. 59,
amended

4a.—(1) Where a person who has not made a request Where
death
imminent
and
inevitable to be a donor is, in the opinion of a duly qualified medical practitioner, incapable of making such a request and his death is imminent and inevitable, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters, may authorize the removal after death of any specified part or parts from the body of the person by a duly qualified medical practitioner and their use for therapeutic purposes or for the purposes of medical education or research.

(2) A coroner shall be notified before any part is removed Notice to
coroner from the body of a person under subsection 1.

2. Clause *b* of section 5 of *The Human Tissue Act, 1962-63* 1962-63,
c. 59, s. 5,
cl. b,
amended is amended by striking out "or 4" in the first line and inserting in lieu thereof "4 or 4a", so that the clause shall read as follows:

(b) under section 2, 3, 4 or 4a is sufficient warrant for the removal of the specified part or parts of the body and the use thereof,

3.—(1) Subsection 2 of section 6 of *The Human Tissue Act, 1962-63* 1962-63,
c. 59, s. 6,
subs. 2,
amended is amended by inserting after "4" in the first line "or 4a", so that the subsection shall read as follows:

Idem

- (2) An authority shall not be given under section 4 or 4a if the person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

1962-63,
c. 59, s. 6,
subs. 3,
amended

- (2) Subsection 3 of the said section 6 is amended by striking out "or 4" in the first line and inserting in lieu thereof "4 or 4a", so that the subsection shall read as follows:

Idem

- (3) An authority shall not be given under section 2, 3, 4 or 4a if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Human Tissue Amendment Act, 1967*.

An Act to amend
The Human Tissue Act, 1962-63

1st Reading

April 12th, 1967

2nd Reading

April 20th, 1967

3rd Reading

April 26th, 1967

MR. DYMOND

BILL 76

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

The Pesticides Act, 1967

MR. DYMOND

EXPLANATORY NOTE

The purpose of this general revision is to bring the Act up to date. In addition, the following new principles are included:

Provision is made for the licensing, etc., of operators, that is, persons who carry on business as exterminators. See section 2 (2) of the Bill.

A Pesticides Advisory Board is provided for. See section 5 of the Bill.

An appeal to the courts is provided from an order of the Minister cancelling or suspending the licence of an operator or an exterminator. See section 7 of the Bill.

An appeal is provided from an order of an inspector terminating an extermination. See section 12 of the Bill.

BILL 76

1967

The Pesticides Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Pesticides Advisory Board;
- (b) "Department" means the Department of Health;
- (c) "extermination" means a land extermination or a structural extermination;
- (d) "extermination service" means a service or business carried on for the purpose of performing exterminations;
- (e) "exterminator" means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
- (f) "inspector" means a person designated under section 8 or a member of a class of persons designated by the regulations;
- (g) "land extermination" means the destruction or control on or over land of insects, vermin, birds, rodents or other pests, fungi or vegetation by the use of any toxic or noxious substance;
- (h) "licence" means a licence issued under the regulations;
- (i) "Minister" means the Minister of Health;
- (j) "operator" means a person that has the control and management of an extermination service, and "operate" has a corresponding meaning;

(k) "regulations" means the regulations made under this Act;

(l) "structural extermination" means the destruction or control in, on or adjacent to a building or vehicle, of insects, vermin, birds, rodents or other pests or fungi, by the use of any toxic or noxious substance. R.S.O. 1960, c. 293, s. 1; 1962-63, c. 104, s. 1; 1966, c. 114, s. 1, *amended*.

Prohibition
as to
extermina-
tions

2.—(1) No person shall engage in, perform or offer to perform an extermination unless he is licensed as an exterminator or is exempt under the regulations. R.S.O. 1960, c. 293, s. 2 (1), *amended*.

Idem,
carrying on
business as
extermina-
tor

(2) No person shall operate an extermination service unless he is licensed as an operator under this Act or is exempt under the regulations. *New*.

Idem,
employees
of
operators

(3) No person shall serve as an employee of an operator for a period longer than six months unless he is licensed as an assistant exterminator or is exempt under the regulations. R.S.O. 1960, c. 293, s. 2 (2), *amended*.

Idem,
employees
of
operators
doing land
extermina-
tions

(4) No person shall serve as an employee of an operator performing land exterminations for a period longer than seven days unless the operator notifies the Department in writing or the person is exempt under the regulations. *New*.

Respon-
sibility of
operators

3. Every operator is, with respect to an extermination, responsible for the acts or omissions of his employees, assistants and agents during the periods of extermination and airing out. R.S.O. 1960, c. 293, s. 3, *amended*.

Liability
insurance

4. An operator shall insure against liability or furnish a bond as provided for by the regulations. R.S.O. 1960, c. 293, s. 4, *amended*.

Advisory
Board

5.—(1) The Lieutenant Governor in Council may appoint a board consisting of nine members to be known as the Pesticides Advisory Board.

Quorum

(2) Five members of the Board constitute a quorum.

Chairman,
secretary

(3) The Lieutenant Governor in Council may designate one member of the Board as chairman and one member as secretary.

Functions

(4) The Board shall,

(a) examine applicants for licences and recommend the issue or refusal thereof;

(b) recommend after a hearing and submission of written reasons the cancellation, suspension or reinstatement of licences; and

(c) perform such other functions as the regulations prescribe. *New.*

6.—(1) The Minister may suspend or cancel the licence of an operator or exterminator who contravenes this Act or the regulations, or has been found guilty of incompetence, gross negligence, fraud or misrepresentation in performing an extermination or in carrying on the business of extermination. ^{Suspension and cancellation of licences}

(2) Before a licence is suspended or cancelled, the Minister shall serve notice upon the licensee of the ground upon which it is proposed to suspend or cancel the licence, and shall send a copy of such notice to the chairman of the Board. ^{Notice}

(3) The Board shall provide the parties with an opportunity of appearing before it at a hearing and presenting evidence in person or by counsel and making representations. ^{Hearing}

(4) Where the Board finds that there is ground for suspending or cancelling the licence, as the case may be, the Minister shall by order suspend or cancel the licence. ^{Order}

(5) A copy of any order made under this section shall be served upon the person affected. *New.* ^{Copy of order}

7.—(1) Any person affected by an order made under section 6 may appeal therefrom to a judge of the county or district court of the county or district in which he resides. ^{Appeal}

(2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order on the person affected by filing a copy of the notice of appeal with the clerk of the court and serving a copy thereof on the Minister. ^{Notice of appeal}

(3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the Minister notice of the date so fixed. ^{Date of hearing of appeal}

(4) The hearing of the appeal shall be a trial *de novo*, and the judge may hear all such evidence as he deems to be relevant and may affirm the order of the Minister, or amend it and affirm it as amended, or set it aside. *New.* ^{Hearing and disposal of appeal}

8. The Minister may designate one or more persons as inspectors for the purposes of this Act and the regulations. ^{Inspectors}
1966, c. 114, s. 3.

Powers

9. Any inspector for the purposes of this Act and the regulations may enter and inspect any premises or vehicle and take samples of,

- (a) substances used for extermination;
- (b) soil or water; or
- (c) food for man or animal. 1966, c. 114, s. 3, *amended*.

Order for termination of extermination

10. Where an inspector is of the opinion that an extermination is or may be dangerous to health, he may order that the extermination be terminated. 1966, c. 114, s. 3, *amended*.

Obstruction of inspector

11. No person shall obstruct, hinder, delay or prevent an inspector in the exercise of his powers or in the performance of his duties. 1966, c. 114, s. 4, *amended*.

Appeal from order of inspector

12.—(1) A person who is affected by an order made under section 10 may appeal therefrom to an officer of the Department designated by the Minister.

Nature of appeal

(2) The appeal may be made in person or by telephone or otherwise.

Disposition of appeal

(3) The designated officer may vary, rescind or confirm the order of the inspector. *New*.

Regulations

13. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the qualifications of exterminators and assistant exterminators and providing for the examination of applicants for licences as exterminators and assistant exterminators, and prescribing fees for such examination;
- (b) prescribing the qualifications and conditions for an operator's licence;
- (c) providing for different classes of exterminators, assistant exterminators and operators, the issue and renewal of licences to exterminators, assistant exterminators and operators in each class, the fees therefor, and the terms upon which licences may be issued, renewed, suspended or cancelled;
- (d) requiring applicants for licences as exterminators or assistant exterminators to undergo a medical examination;

- (e) prescribing the procedures, conditions and notices for exterminations and for the airing-out of buildings and vehicles;
- (f) fixing the amount and type of insurance or bond that shall be carried or furnished by operators, and prescribing the form, requirements and terms thereof;
- (g) providing for the issue of permits for exterminations and the terms upon which permits may be issued, refused or cancelled;
- (h) prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
- (i) permitting or prohibiting any class of operator or exterminator from performing or undertaking to perform any extermination for which the members of the class are not licensed and prescribing the conditions thereof;
- (j) exempting any person or class of persons from this Act and the regulations or any provision thereof;
- (k) exempting any substance, machine, apparatus, equipment or class thereof from this Act and the regulations, or any provision thereof;
- (l) exempting any type or class of building, vehicle or land from this Act and the regulations or any provision thereof;
- (m) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
- (n) governing the signs, marking or other identification of vehicles or machines used in land exterminations;
- (o) regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing-out;
- (p) prescribing functions, practices and procedures, tenure of office and remuneration of the Board;
- (q) designating classes of persons as inspectors;

- (r) governing, regulating or prohibiting the use, handling or storage of substances used for extermination;
- (s) classifying and designating substances used for extermination, and prohibiting any class of exterminators from using such substances or any of them;
- (t) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
- (u) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
- (v) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
- (w) regulating the disposal of containers of any substance used for extermination;
- (x) prescribing the records to be kept and returns to be made by persons licensed or registered under the regulations;
- (y) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 293, s. 10; 1962-63, c. 104, s. 2; 1966, c. 114, s. 4, *amended*.

Offence

14. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1960, c. 293, s. 11(1), *amended*.

R.S.O. 1960,
c. 293;
1962-63,
c. 104;
1966, c. 114,
repealed

15. *The Pesticides Act, The Pesticides Amendment Act, 1962-63 and The Pesticides Amendment Act, 1966* are repealed.

Commence-
ment

16. This Act comes into force on the 1st day of September, 1967.

Short title

17. This Act may be cited as *The Pesticides Act, 1967*.

1st Reading

April 12th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 76

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

The Pesticides Act, 1967

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 76

1967

The Pesticides Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Pesticides Advisory Board;
- (b) "Department" means the Department of Health;
- (c) "extermination" means a land extermination or a structural extermination;
- (d) "extermination service" means a service or business carried on for the purpose of performing exterminations;
- (e) "exterminator" means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
- (f) "inspector" means a person designated under section 8 or a member of a class of persons designated by the regulations;
- (g) "land extermination" means the destruction or control on or over land of insects, vermin, birds, rodents or other pests, fungi or vegetation by the use of any toxic or noxious substance;
- (h) "licence" means a licence issued under the regulations;
- (i) "Minister" means the Minister of Health;
- (j) "operator" means a person that has the control and management of an extermination service, and "operate" has a corresponding meaning;

(k) "regulations" means the regulations made under this Act;

(l) "structural extermination" means the destruction or control in, on or adjacent to a building or vehicle, of insects, vermin, birds, rodents or other pests or fungi, by the use of any toxic or noxious substance. R.S.O. 1960, c. 293, s. 1; 1962-63, c. 104, s. 1; 1966, c. 114, s. 1, *amended*.

Prohibition
as to
extermina-
tions

2.—(1) No person shall engage in, perform or offer to perform an extermination unless he is licensed as an exterminator or is exempt under the regulations. R.S.O. 1960, c. 293, s. 2 (1), *amended*.

Idem,
carrying on
business as
extermina-
tor

(2) No person shall operate an extermination service unless he is licensed as an operator under this Act or is exempt under the regulations. *New*.

Idem,
employees
of
operators

(3) No person shall serve as an employee of an operator for a period longer than six months unless he is licensed as an assistant exterminator or is exempt under the regulations. R.S.O. 1960, c. 293, s. 2 (2), *amended*.

Idem,
employees
of
operators
doing land
extermina-
tions

(4) No person shall serve as an employee of an operator performing land exterminations for a period longer than seven days unless the operator notifies the Department in writing or the person is exempt under the regulations. *New*.

Respon-
sibility of
operators

3. Every operator is, with respect to an extermination, responsible for the acts or omissions of his employees, assistants and agents during the periods of extermination and airing out. R.S.O. 1960, c. 293, s. 3, *amended*.

Liability
insurance

4. An operator shall insure against liability or furnish a bond as provided for by the regulations. R.S.O. 1960, c. 293, s. 4, *amended*.

Advisory
Board

5.—(1) The Lieutenant Governor in Council may appoint a board consisting of nine members to be known as the Pesticides Advisory Board.

Quorum

(2) Five members of the Board constitute a quorum.

Chairman,
secretary

(3) The Lieutenant Governor in Council may designate one member of the Board as chairman and one member as secretary.

Functions

(4) The Board shall,

(a) examine applicants for licences and recommend the issue or refusal thereof;

- (b) recommend after a hearing and submission of written reasons the cancellation, suspension or reinstatement of licences; and
- (c) perform such other functions as the regulations prescribe. *New.*

6.—(1) The Minister may suspend or cancel the licence of an operator or exterminator who contravenes this Act or the regulations, or has been found guilty of incompetence, gross negligence, fraud or misrepresentation in performing an extermination or in carrying on the business of extermination. ^{Suspension and cancellation of licences}

(2) Before a licence is suspended or cancelled, the Minister shall serve notice upon the licensee of the ground upon which it is proposed to suspend or cancel the licence, and shall send a copy of such notice to the chairman of the Board. ^{Notice}

(3) The Board shall provide the parties with an opportunity of appearing before it at a hearing and presenting evidence in person or by counsel and making representations. ^{Hearing}

(4) Where the Board finds that there is ground for suspending or cancelling the licence, as the case may be, the Minister shall by order suspend or cancel the licence. ^{Order}

(5) A copy of any order made under this section shall be served upon the person affected. *New.* ^{Copy of order}

7.—(1) Any person affected by an order made under section 6 may appeal therefrom to a judge of the county or district court of the county or district in which he resides. ^{Appeal}

(2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order on the person affected by filing a copy of the notice of appeal with the clerk of the court and serving a copy thereof on the Minister. ^{Notice of appeal}

(3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the Minister notice of the date so fixed. ^{Date of hearing of appeal}

(4) The hearing of the appeal shall be a trial *de novo*, and the judge may hear all such evidence as he deems to be relevant and may affirm the order of the Minister, or amend it and affirm it as amended, or set it aside. *New.* ^{Hearing and disposal of appeal}

8. The Minister may designate one or more persons as inspectors for the purposes of this Act and the regulations. 1966, c. 114, s. 3. ^{Inspectors}

Powers

9. Any inspector for the purposes of this Act and the regulations may enter and inspect any premises or vehicle and take samples of,

- (a) substances used for extermination;
- (b) soil or water; or
- (c) food for man or animal. 1966, c. 114, s. 3, *amended*.

Order for termination of extermination

10. Where an inspector is of the opinion that an extermination is or may be dangerous to health, he may order that the extermination be terminated. 1966, c. 114, s. 3, *amended*.

Obstruction of inspector

11. No person shall obstruct, hinder, delay or prevent an inspector in the exercise of his powers or in the performance of his duties. 1966, c. 114, s. 4, *amended*.

Appeal from order of inspector

12.—(1) A person who is affected by an order made under section 10 may appeal therefrom to an officer of the Department designated by the Minister.

Nature of appeal

(2) The appeal may be made in person or by telephone or otherwise.

Disposition of appeal

(3) The designated officer may vary, rescind or confirm the order of the inspector. *New*.

Regulations

13. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the qualifications of exterminators and assistant exterminators and providing for the examination of applicants for licences as exterminators and assistant exterminators, and prescribing fees for such examination;
- (b) prescribing the qualifications and conditions for an operator's licence;
- (c) providing for different classes of exterminators, assistant exterminators and operators, the issue and renewal of licences to exterminators, assistant exterminators and operators in each class, the fees therefor, and the terms upon which licences may be issued, renewed, suspended or cancelled;
- (d) requiring applicants for licences as exterminators or assistant exterminators to undergo a medical examination;

- (e) prescribing the procedures, conditions and notices for exterminations and for the airing-out of buildings and vehicles;
- (f) fixing the amount and type of insurance or bond that shall be carried or furnished by operators, and prescribing the form, requirements and terms thereof;
- (g) providing for the issue of permits for exterminations and the terms upon which permits may be issued, refused or cancelled;
- (h) prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
- (i) permitting or prohibiting any class of operator or exterminator from performing or undertaking to perform any extermination for which the members of the class are not licensed and prescribing the conditions thereof;
- (j) exempting any person or class of persons from this Act and the regulations or any provision thereof;
- (k) exempting any substance, machine, apparatus, equipment or class thereof from this Act and the regulations, or any provision thereof;
- (l) exempting any type or class of building, vehicle or land from this Act and the regulations or any provision thereof;
- (m) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
- (n) governing the signs, marking or other identification of vehicles or machines used in land exterminations;
- (o) regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing-out;
- (p) prescribing functions, practices and procedures, tenure of office and remuneration of the Board;
- (q) designating classes of persons as inspectors;

- (r) governing, regulating or prohibiting the use, handling or storage of substances used for extermination;
- (s) classifying and designating substances used for extermination, and prohibiting any class of exterminators from using such substances or any of them;
- (t) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
- (u) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
- (v) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
- (w) regulating the disposal of containers of any substance used for extermination;
- (x) prescribing the records to be kept and returns to be made by persons licensed or registered under the regulations;
- (y) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 293, s. 10; 1962-63, c. 104, s. 2; 1966, c. 114, s. 4, *amended*.

Offence

14. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1960, c. 293, s. 11(1), *amended*.

R.S.O. 1960,
c. 293;
1962-63,
c. 104;
1966, c. 114,
repealed

15. *The Pesticides Act, The Pesticides Amendment Act, 1962-63 and The Pesticides Amendment Act, 1966* are repealed.

**Commence-
ment**

16. This Act comes into force on the 1st day of September, 1967.

Short title

17. This Act may be cited as *The Pesticides Act, 1967*.

1st Reading

April 12th, 1967

2nd Reading

April 20th, 1967

3rd Reading

May 8th, 1967

MR. DYMOND

BILL 77

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. MACNAUGHTON

BILL 77

1967

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$500,000,000. ^{Loans up to \$500,000,000 authorized} ^{R.S.O. 1960, c. 142}

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. ^{Idem}

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. ^{Idem}

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1967*.

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund

1st Reading

April 12th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 77

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. MACNAUGHTON

BILL 77

1967

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$500,000,000. ^{Loans up to \$500,000,000 authorized}

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. ^{Idem}

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. ^{Idem}

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1967*.

57 E. 1188

THE ONTARIO LOAN ACT, 1967
R.S.O. 1967, c. 1188

AN ACT TO PROVIDE FOR THE ISSUANCE OF
BONDS BY THE GOVERNMENT OF ONTARIO
IN CONNECTION WITH THE CONSTRUCTION OF
THE GREAT LAKES WATERWAY PROJECT
AND TO AMEND THE FINANCE ACT, 1967
IN RESPECT OF THE BORROWING OF MONEY
BY THE GOVERNMENT OF ONTARIO
ENACTED BY THE LEGISLATURE OF ONTARIO
IN THE 30TH YEAR OF HER MAJESTY'S HEAD
THE QUEEN IN PARLIAMENT ASSEMBLED
IN THE CITY OF TORONTO
1967

1. The title of this Act shall be "The Ontario Loan Act, 1967".

2. The title of this Act shall be "The Ontario Loan Act, 1967".

3. The title of this Act shall be "The Ontario Loan Act, 1967".

4. The title of this Act shall be "The Ontario Loan Act, 1967".

5. The title of this Act shall be "The Ontario Loan Act, 1967".

6. The title of this Act shall be "The Ontario Loan Act, 1967".

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25. The title of this Act shall be "The Ontario Loan Act, 1967".

26. The title of this Act shall be "The Ontario Loan Act, 1967".

27. The title of this Act shall be "The Ontario Loan Act, 1967".

28. The title of this Act shall be "The Ontario Loan Act, 1967".

29. The title of this Act shall be "The Ontario Loan Act, 1967".

30. The title of this Act shall be "The Ontario Loan Act, 1967".

31. The title of this Act shall be "The Ontario Loan Act, 1967".

AN ACT to authorize the raising of money
on the Credit of the Consolidated
Revenue Fund

1st Reading

April 12th, 1967

2nd Reading

April 25th, 1967

3rd Reading

May 8th, 1967

MR. MACNAUGHTON

BILL 78

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Universities Capital Aid Corporation Act, 1964

MR. MACNAUGHTON

EXPLANATORY NOTE

The purpose of the Bill is to authorize The Ontario Universities Capital Aid Corporation to purchase from colleges of applied arts and technology bonds or debentures issued by them for capital construction projects that have been approved by the Minister of Education.

BILL 78

1967

An Act to amend The Ontario Universities Capital Aid Corporation Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by relettering clauses *a* and *b* as clauses *b* and *c* respectively and by adding thereto the following clause:

- (a) "college" means a college of applied arts and technology established under section 14a of *The Department of Education Act*. 1964,
c. 85, s. 1,
amended
R.S.O. 1960,
c. 94

2. Section 2 of *The Ontario Universities Capital Aid Corporation Act, 1964* is repealed and the following substituted therefor: 1964,
c. 85, s. 2,
re-enacted

2. This Act applies,

Application
of Act

(a) to all colleges; and

(b) to such universities as are designated by the Minister of University Affairs.

3. Subsection 1 of section 3 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by striking out "five" in the fifth line and inserting in lieu thereof "seven", so that the subsection shall read as follows: 1964,
c. 85, s. 3,
subs. 1,
amended

- (1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of "The Ontario Universities Capital Aid Corporation" consisting of not fewer than three and not more than seven members appointed by the Lieutenant Governor in Council. Corporation
established

1964,
c. 85, s. 4,
re-enacted

4. Section 4 of *The Ontario Universities Capital Aid Corporation Act, 1964* is repealed and the following substituted therefor:

Objects

4. The objects of the Corporation are,

- (a) to purchase from colleges bonds or debentures issued by them for capital construction projects that have been approved by the Minister of Education; and
- (b) to purchase from universities bonds or debentures issued by them for capital construction projects that have been approved by the Minister of University Affairs.

1964,
c. 85, s. 6,
subs. 2,
cl. a,
amended

5. Clause *a* of subsection 2 of section 6 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by striking out "object" in the first line and inserting in lieu thereof "objects", so that the clause shall read as follows:

- (a) the carrying out of the objects of the Corporation mentioned in section 4.

1964,
c. 85, s. 11,
amended

6. Section 11 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by adding thereto the following subsection:

Purchase of
college
debentures

- (2) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from any college bonds or debentures issued by the college for capital construction projects approved by the Minister of Education.

1964,
c. 85, s. 15,
cls. b-f,
re-enacted

7. Clauses *b, c, d, e* and *f* of section 15 of *The Ontario Universities Capital Aid Corporation Act, 1964* are repealed and the following substituted therefor:

- (b) the arrangements that the Corporation may make for the purchase of debentures of colleges and universities, and the purchase of such debentures;
- (c) the manner in which colleges and universities may apply to the Corporation for its purchase of their debentures, and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed with regard to the purchase by the Corporation of debentures of colleges and universities;

- (e) the consideration and granting by the Corporation of applications for its purchase of debentures of colleges and universities;
- (f) the sale, hypothecation or other disposition by the Corporation of any debentures of colleges and universities purchased by the Corporation.

8. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. _{ment}

9. This Act may be cited as *The Ontario Universities* ^{Short title}
Capital Aid Corporation Amendment Act, 1967.

An Act to amend The Ontario Universities
Capital Aid Corporation Act, 1964

1st Reading

April 12th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 78

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Ontario Universities Capital Aid Corporation Act, 1964

MR. MACNAUGHTON

BILL 78

1967

**An Act to amend The Ontario
Universities Capital Aid Corporation Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by relettering clauses *a* and *b* as clauses *b* and *c* respectively and by adding thereto the following clause:

(a) "college" means a college of applied arts and technology established under section 14*a* of *The Department of Education Act*. 1964,
c. 85, s. 1,
amended
R.S.O. 1960,
c. 94

2. Section 2 of *The Ontario Universities Capital Aid Corporation Act, 1964* is repealed and the following substituted therefor:

2. This Act applies,

Application
of Act

(a) to all colleges; and

(b) to such universities as are designated by the Minister of University Affairs.

3. Subsection 1 of section 3 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by striking out "five" in the fifth line and inserting in lieu thereof "seven", so that the subsection shall read as follows:

(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of "The Ontario Universities Capital Aid Corporation" consisting of not fewer than three and not more than seven members appointed by the Lieutenant Governor in Council. Corporation
established

1964,
c. 85, s. 4,
re-enacted

4. Section 4 of *The Ontario Universities Capital Aid Corporation Act, 1964* is repealed and the following substituted therefor:

Objects

4. The objects of the Corporation are,

- (a) to purchase from colleges bonds or debentures issued by them for capital construction projects that have been approved by the Minister of Education; and
- (b) to purchase from universities bonds or debentures issued by them for capital construction projects that have been approved by the Minister of University Affairs.

1964,
c. 85, s. 6,
subs. 2,
cl. a,
amended

5. Clause *a* of subsection 2 of section 6 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by striking out "object" in the first line and inserting in lieu thereof "objects", so that the clause shall read as follows:

- (a) the carrying out of the objects of the Corporation mentioned in section 4.

1964,
c. 85, s. 11,
amended

6. Section 11 of *The Ontario Universities Capital Aid Corporation Act, 1964* is amended by adding thereto the following subsection:

Purchase of
college
debentures

- (2) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from any college bonds or debentures issued by the college for capital construction projects approved by the Minister of Education.

1964,
c. 85, s. 15,
cls. b-f,
re-enacted

7. Clauses *b, c, d, e* and *f* of section 15 of *The Ontario Universities Capital Aid Corporation Act, 1964* are repealed and the following substituted therefor:

- (b) the arrangements that the Corporation may make for the purchase of debentures of colleges and universities, and the purchase of such debentures;
- (c) the manner in which colleges and universities may apply to the Corporation for its purchase of their debentures, and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed with regard to the purchase by the Corporation of debentures of colleges and universities;

(e) the consideration and granting by the Corporation of applications for its purchase of debentures of colleges and universities;

(f) the sale, hypothecation or other disposition by the Corporation of any debentures of colleges and universities purchased by the Corporation.

8. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

9. This Act may be cited as *The Ontario Universities* ^{Short title} *Capital Aid Corporation Amendment Act, 1967.*

An Act to amend The Ontario Universities
Capital Aid Corporation Act, 1964

1st Reading

April 12th, 1967

2nd Reading

April 25th, 1967

3rd Reading

May 8th, 1967

MR. MACNAUGHTON

BILL 79

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Ontario Education Capital Aid Corporation Act, 1966

MR. MACNAUGHTON

EXPLANATORY NOTE

The Ontario Education Capital Aid Corporation is empowered to purchase municipal debentures issued for public library purposes and for grants to associations constituted for the promotion of the welfare and education of retarded children within the municipality.

BILL 79

1967

An Act to amend The Ontario Education Capital Aid Corporation Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ontario Education Capital Aid Corporation Act, 1966* is repealed and the following substituted therefor: ^{1966, c. 101, s. 3, re-enacted}

3. The object of the Corporation is to purchase from municipalities debentures issued by them for, ^{Object}

(a) school board undertakings;

(b) public library purposes; and

(c) grants to an association under paragraph 29 of section 377 of *The Municipal Act*. ^{R.S.O. 1960, c. 249}

2. Subsection 1 of section 10 of *The Ontario Education Capital Aid Corporation Act, 1966* is amended by striking out "the" in the fourth line and inserting in lieu thereof "a", so that the subsection shall read as follows: ^{1966, c. 101, s. 10, subs. 1, amended}

(1) The Corporation, with the approval of the Lieutenant Governor in Council, may from time to time purchase from any municipality debentures issued by the municipality for a purpose specified in section 3. ^{Purchase of municipal debentures}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1967*. ^{Short title}

An Act to amend The Ontario Education
Capital Aid Corporation Act, 1966

1st Reading

April 12th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 79

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Education Capital Aid Corporation Act, 1966

MR. MACNAUGHTON

BILL 79

1967

An Act to amend The Ontario Education Capital Aid Corporation Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ontario Education Capital Aid Corporation Act, 1966* is repealed and the following substituted therefor: ^{1966, c. 101, s. 3, re-enacted}

3. The object of the Corporation is to purchase from municipalities debentures issued by them for, ^{Object}

(a) school board undertakings;

(b) public library purposes; and

(c) grants to an association under paragraph 29 of section 377 of *The Municipal Act*.

^{R.S.O. 1960, c. 249}

2. Subsection 1 of section 10 of *The Ontario Education Capital Aid Corporation Act, 1966* is amended by striking out "the" in the fourth line and inserting in lieu thereof "a", so that the subsection shall read as follows: ^{1966, c. 101, s. 10, subs. 1, amended}

(1) The Corporation, with the approval of the Lieutenant Governor in Council, may from time to time purchase from any municipality debentures issued by the municipality for a purpose specified in section 3. ^{Purchase of municipal debentures}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1967*. ^{Short title}

An Act to amend The Ontario Education
Capital Aid Corporation Act, 1966

1st Reading

April 12th, 1967

2nd Reading

April 25th, 1967

3rd Reading

May 8th, 1967

MR. MACNAUGHTON

BILL 80

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Municipal Unconditional Grants Act

MR. SPOONER

EXPLANATORY NOTE

The amounts of unconditional grants payable to municipalities are increased \$1.50 per capita to assist municipalities to meet their additional requirements.

BILL 80

1967

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Municipal Unconditional Grants Act*, as re-enacted by section 2 of *The Municipal Unconditional Grants Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960.
c. 259,
Sched.
(1964,
c. 69, s. 2).
re-enacted

SCHEDULE

(Section 7)

In recognition of the expenditures that local municipalities are required to make to provide municipal services and in recognition of the larger per capita expenditures that municipalities with larger populations are required to make on certain municipal services, the following unconditional per capita grants, to be used to reduce the amount of taxes to be levied on residential and farm assessment, as required under section 294 of *The Municipal Act*:

1. To a metropolitan municipality or city,
 - (a) having a population of 750,000 or more, \$7.00 per capita;
 - (b) having a population of 400,000 or more but less than 750,000, \$6.50 per capita if located in a county, and \$5.50 per capita if located in a territorial district;
 - (c) having a population of 200,000 or more but less than 400,000, \$6.00 per capita if located in a county, and \$5.00 per capita if located in a territorial district;
 - (d) having a population of 75,000 or more but less than 200,000, \$5.75 per capita if located in a county, and \$4.75 per capita if located in a territorial district;
 - (e) having a population of less than 75,000, \$5.50 per capita if located in a county, and \$4.50 per capita if located in a territorial district.
2. To a town or village,
 - (a) having a population of 10,000 or more, \$5.25 per capita if located in a county, and \$4.25 per capita if located in a territorial district;

- (b) having a population of 7,000 or more but less than 10,000, \$5.00 per capita if located in a county, and \$4.00 per capita if located in a territorial district;
- (c) having a population of 5,000 or more but less than 7,000, \$4.75 per capita if located in a county, and \$3.75 per capita if located in a territorial district;
- (d) having a population of 2,000 or more but less than 5,000, \$4.60 per capita if located in a county, and \$3.60 per capita if located in a territorial district;
- (e) having a population of less than 2,000, \$4.50 per capita if located in a county, and \$3.50 per capita if located in a territorial district.

3. To a township,

- (a) having a population of 20,000 or more, \$5.25 per capita if located in a county, and \$4.25 per capita if located in a territorial district;
- (b) having a population of 15,000 or more but less than 20,000, \$5.00 per capita if located in a county, and \$4.00 per capita if located in a territorial district;
- (c) having a population of 10,000 or more but less than 15,000, \$4.85 per capita if located in a county, and \$3.85 per capita if located in a territorial district;
- (d) having a population of 5,000 or more but less than 10,000, \$4.75 per capita if located in a county, and \$3.75 per capita if located in a territorial district;
- (e) having a population of 2,000 or more but less than 5,000, \$4.60 per capita if located in a county, and \$3.60 per capita if located in a territorial district;
- (f) having a population of less than 2,000, \$4.50 per capita if located in a county, and \$3.50 per capita if located in a territorial district.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1967.

Short title

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1967*.

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

April 14th, 1967

2nd Reading

3rd Reading

MR. SPOONER

BILL 80

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Municipal Unconditional Grants Act

MR. SPOONER

BILL 80

1967

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Municipal Unconditional Grants Act*, as re-enacted by section 2 of *The Municipal Unconditional Grants Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 259,
Sched.
(1964,
c. 69, s. 2),
re-enacted

SCHEDULE

(Section 7)

In recognition of the expenditures that local municipalities are required to make to provide municipal services and in recognition of the larger per capita expenditures that municipalities with larger populations are required to make on certain municipal services, the following unconditional per capita grants, to be used to reduce the amount of taxes to be levied on residential and farm assessment, as required under section 294 of *The Municipal Act*:

1. To a metropolitan municipality or city,

- (a) having a population of 750,000 or more, \$7.00 per capita;
- (b) having a population of 400,000 or more but less than 750,000, \$6.50 per capita if located in a county, and \$5.50 per capita if located in a territorial district;
- (c) having a population of 200,000 or more but less than 400,000, \$6.00 per capita if located in a county, and \$5.00 per capita if located in a territorial district;
- (d) having a population of 75,000 or more but less than 200,000, \$5.75 per capita if located in a county, and \$4.75 per capita if located in a territorial district;
- (e) having a population of less than 75,000, \$5.50 per capita if located in a county, and \$4.50 per capita if located in a territorial district.

2. To a town or village,

- (a) having a population of 10,000 or more, \$5.25 per capita if located in a county, and \$4.25 per capita if located in a territorial district;

- (b) having a population of 7,000 or more but less than 10,000, \$5.00 per capita if located in a county, and \$4.00 per capita if located in a territorial district;
- (c) having a population of 5,000 or more but less than 7,000, \$4.75 per capita if located in a county, and \$3.75 per capita if located in a territorial district;
- (d) having a population of 2,000 or more but less than 5,000, \$4.60 per capita if located in a county, and \$3.60 per capita if located in a territorial district;
- (e) having a population of less than 2,000, \$4.50 per capita if located in a county, and \$3.50 per capita if located in a territorial district.

3. To a township,

- (a) having a population of 20,000 or more, \$5.25 per capita if located in a county, and \$4.25 per capita if located in a territorial district;
- (b) having a population of 15,000 or more but less than 20,000, \$5.00 per capita if located in a county, and \$4.00 per capita if located in a territorial district;
- (c) having a population of 10,000 or more but less than 15,000, \$4.85 per capita if located in a county, and \$3.85 per capita if located in a territorial district;
- (d) having a population of 5,000 or more but less than 10,000, \$4.75 per capita if located in a county, and \$3.75 per capita if located in a territorial district;
- (e) having a population of 2,000 or more but less than 5,000, \$4.60 per capita if located in a county, and \$3.60 per capita if located in a territorial district;
- (f) having a population of less than 2,000, \$4.50 per capita if located in a county, and \$3.50 per capita if located in a territorial district.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1967.

Short title

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1967*.

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

April 14th, 1967

2nd Reading

April 18th, 1967

3rd Reading

April 26th, 1967

MR. SPOONER

BILL 81

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act respecting the Township of Cornwall

MR. SPOONER

EXPLANATORY NOTE

The Bill authorizes the Township of Cornwall to pay to The Hydro-Electric Power Commission of Ontario the Township's portion of the cost of the watermain attributable to the increased size of the watermain as requested by the resolution of the council of the Township set forth in the Bill and authorizes the council to pass a by-law without the approval of the Ontario Municipal Board providing for the issue of debentures for such purpose.

BILL 81

1967

An Act respecting the Township of Cornwall

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Cornwall is hereby empowered to pay to The Hydro-Electric Power Commission of Ontario an amount not exceeding \$35,000 representing the Township's portion of the cost of the installation of the sixteen-inch watermain referred to in the resolution passed by the council of The Corporation of the Township of Cornwall on the 25th day of May, 1966, set forth as the Schedule hereto, which resolution is valid and binding on The Corporation of the Township of Cornwall and the ratepayers thereof.

Township empowered to pay its portion of cost of watermain

2. The council of The Corporation of the Township of Cornwall may pass a by-law without obtaining the approval of the Ontario Municipal Board providing for the issue of a debenture or debentures of the Corporation in a principal amount not exceeding \$35,000, payable in not more than fifteen years, for the purpose of paying the Township's portion of the cost of the installation of the watermain referred to in the resolution set forth as the Schedule hereto.

Debenture by-law authorized

3. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 2 and the debenture or debentures to be issued thereunder.

Application of R.S.O. 1960, c. 274

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing The Corporation of the Township of Cornwall to proceed with the undertaking referred to in section 1 and authorizing The Corporation of the Township of Cornwall to issue a debenture or debentures under section 2.

By-law deemed approved by O.M.B. R.S.O. 1960, c. 274

5. This Act comes into force on the day it receives Royal Assent.

Commencement

Short title

6. This Act may be cited as *The Township of Cornwall Act, 1967*.

SCHEDULE

RESOLUTION

Moved by: RALPH MOSS

Seconded by: HAROLD FICKES

That the Township of Cornwall wishes the Hydro to install a sixteen (16) inch watermain from pump house on island 17, to connect with the watermain on Moulinette Road, at the north side of Highway No. 2, at a cost to the Township of \$35,000 fully installed.

Signed,

J. L. McDONALD,
Reeve.

May 25, 1966.

An Act respecting the
Township of Cornwall

1st Reading

April 17th, 1967

2nd Reading

3rd Reading

MR. SPOONER

BILL 81

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act respecting the Township of Cornwall

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

An Act respecting the Township of Cornwall

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Cornwall is hereby empowered to pay to The Hydro-Electric Power Commission of Ontario an amount not exceeding \$35,000 representing the Township's portion of the cost of the installation of the sixteen-inch watermain referred to in the resolution passed by the council of The Corporation of the Township of Cornwall on the 25th day of May, 1966, set forth as the Schedule hereto, which resolution is valid and binding on The Corporation of the Township of Cornwall and the ratepayers thereof.

Township empowered to pay its portion of cost of watermain

2. The council of The Corporation of the Township of Cornwall may pass a by-law without obtaining the approval of the Ontario Municipal Board providing for the issue of a debenture or debentures of the Corporation in a principal amount not exceeding \$35,000, payable in not more than fifteen years, for the purpose of paying the Township's portion of the cost of the installation of the watermain referred to in the resolution set forth as the Schedule hereto.

Debenture by-law authorized

3. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 2 and the debenture or debentures to be issued thereunder.

Application of R.S.O. 1960, c. 274

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing The Corporation of the Township of Cornwall to proceed with the undertaking referred to in section 1 and authorizing The Corporation of the Township of Cornwall to issue a debenture or debentures under section 2.

By-law deemed approved by O.M.B. R.S.O. 1960, c. 274

5. This Act comes into force on the day it receives Royal Assent.

Commencement

Short title

6. This Act may be cited as *The Township of Cornwall Act, 1967*.

SCHEDULE

RESOLUTION

Moved by: RALPH MOSS

Seconded by: HAROLD FICKES

That the Township of Cornwall wishes the Hydro to install a sixteen (16) inch watermain from pump house on island 17, to connect with the watermain on Moulinette Road, at the north side of Highway No. 2, at a cost to the Township of \$35,000 fully installed.

Signed,

J. L. McDONALD,
Reeve.

May 25, 1966.

1st Reading

April 17th, 1967

2nd Reading

April 20th, 1967

3rd Reading

April 26th, 1967

MR. SPOONER

BILL 82

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. RENWICK

EXPLANATORY NOTE

The amendment prohibits bodies governing admission to professions or callings from refusing or suspending membership because of race, creed, colour, nationality, ancestry or place of origin and ensures that these bodies are removed from present exclusions.

BILL 82

1967

An Act to amend The Ontario Human Rights Code, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by inserting after “union” in the first line “and no body authorized by any general or special Act to govern the admission of members to a profession, trade or calling”, so that the subsection shall read as follows:

1961-62,
c. 93, s. 4
subs. 2,
amended

(2) No trade union and no body authorized by any general or special Act to govern the admission of members to a profession, trade or calling shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin.

Membership
in trade
union, etc.

(2) Subsection 4 of the said section 4 is amended by striking out “This section does not apply” in the first line and inserting in lieu thereof “Subsections 1 and 3 do not apply”, so that the subsection shall read as follows:

1961-62,
c. 93, s. 4,
subs. 4,
amended

(4) Subsections 1 and 3 do not apply,

Where
subs. 1, 3,
do not
apply

(a) to a domestic employed in a private home;

(b) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit;

(c) to an employer who employs fewer than five employees.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1967*.

An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

April 17th, 1967

2nd Reading

3rd Reading

MR. RENWICK

BILL 83

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Coroners Act

MR. RENWICK

EXPLANATORY NOTE

The Bill makes the same provisions for removal of coroners from office as apply to magistrates.

BILL 83

1967

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Coroners Act*, as re-enacted by subsection 1 of section 1 of *The Coroners Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 69, s. 1, subs. 1 (1966, c. 27, s. 1, subs. 1), re-enacted

(1) The Lieutenant Governor in Council may appoint one or more coroners for Ontario or any part thereof. Coroners, appointment

2. *The Coroners Act* is amended by adding thereto the following section: R.S.O. 1960, c. 69, amended

2a.—(1) Except as provided in subsection 2, coroners shall hold office during pleasure. Tenure of office

(2) A coroner who has held office for two years may be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if, Idem

(a) the circumstances respecting the misbehaviour or inability are first inquired into; and

(b) the coroner is given reasonable notice of the time and place appointed for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(3) The Lieutenant Governor in Council, for the purpose of making an inquiry under subsection 2, may appoint one or more judges of the Supreme Court to make such inquiry and to report thereon, and a judge so appointed has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Appointment of judge to inquire R.S.O. 1960, c. 323

Order to
be laid
before
Assembly

- (4) Where a coroner is removed from office under this section, the order effecting the removal and all reports, evidence and correspondence relating thereto shall be laid before the Assembly by the Attorney General within the first fifteen days of the next ensuing session.

Application
of subss. 2-4

- (5) Subsections 2, 3 and 4 apply only to coroners who receive an annual salary under this Act.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Coroners Amendment Act, 1967*.

1st Reading

April 17th, 1967

2nd Reading

3rd Reading

MR. RENWICK

BILL 84

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The County Judges Act

MR. WISHART

EXPLANATORY NOTE

The provisions repealed provide for payment of allowances to county and district court judges. These provisions are moved to *The Surrogate Courts Act* and made applicable to county and district court judges who are also surrogate court judges.

BILL 84

1967

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 9 of *The County Judges Act*, as re-enacted by subsection 1 of section 1 of *The County Judges Amendment Act, 1962-63*, is repealed.

R.S.O. 1960.
c. 77, s. 9,
subs. 1
(1962-63,
c. 28, s. 1,
subs. 1),
repealed

(2) Subsection 2 of the said section 9, as re-enacted by subsection 2 of section 1 of *The County Judges Amendment Act, 1962-63*, is repealed.

R.S.O. 1960.
c. 77, s. 9,
subs. 2
(1962-63,
c. 28, s. 1,
subs. 2),
repealed

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The County Judges Amendment Act, 1967 (No. 2)*.

Short title

An Act to amend The County Judges Act

1st Reading

April 18th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 84

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The County Judges Act

MR. WISHART

BILL 84

1967

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 9 of *The County Judges Act*, as re-enacted by subsection 1 of section 1 of *The County Judges Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 77, s. 9,
subs. 1
(1962-63,
c. 28, s. 1,
subs. 1),
repealed

(2) Subsection 2 of the said section 9, as re-enacted by subsection 2 of section 1 of *The County Judges Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 77, s. 9,
subs. 2
(1962-63,
c. 28, s. 1,
subs. 2),
repealed

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The County Judges Amendment Act, 1967 (No. 2)*.

Short title

An Act to amend The County Judges Act

1st Reading

April 18th, 1967

2nd Reading

April 25th, 1967

3rd Reading

May 8th, 1967

MR. WISHART

BILL 85

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Surrogate Courts Act

MR. WISHART

EXPLANATORY NOTE

The allowances for county and district court judges contained in *The County Judges Act* are transferred to *The Surrogate Courts Act* and made applicable to county and district court judges who are also surrogate court judges.

BILL 85

1967

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Surrogate Courts Act* is amended by adding thereto the following subsection: R.S.O. 1960.
c. 388, s. 8,
amended

(4) Where the judge or junior judge of a county or district court is also the judge or junior judge of a surrogate court, there shall be paid out of the Consolidated Revenue Fund, Allowances
where
county
court judge
also
surrogate
court judge

(a) where the judge is the chief judge of the county or district courts, an allowance at the rate of \$7,000 per annum;

(b) where the judge is a judge of the county court of the County of York, an allowance at the rate of \$4,500 per annum;

(c) where the judge is a judge or junior judge of any other county or district court or a judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$3,500 per annum.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1967*. Short title

An Act to amend
The Surrogate Courts Act

1st Reading

April 18th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 85

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Surrogate Courts Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The allowances for county and district court judges contained in *The County Judges Act* are transferred to *The Surrogate Courts Act* and made applicable to county and district court judges who are also surrogate court judges.

BILL 85

1967

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Surrogate Courts Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 388, s. 8,
amended

(4) Where the judge or junior judge of a county or district court is also the judge or junior judge of a surrogate court, there shall be paid out of the Consolidated Revenue Fund, Allowances
where
county
court judge
also
surrogate
court judge

(a) where the judge is the chief judge of the county or district courts, an allowance at the rate of \$7,000 per annum;

(b) where the judge is a judge of the county court of the County of York, an allowance at the rate of \$4,500 per annum;

(c) where the judge is a judge of any other county or district court or a junior judge of a county or district court or a judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$3,500 per annum.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1967*. Short title

An Act to amend
The Surrogate Courts Act

1st Reading

April 18th, 1967

2nd Reading

April 21st, 1967

3rd Reading

MR. WISHART

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 85

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Surrogate Courts Act

MR. WISHART

BILL 85

1967

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Surrogate Courts Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 388, s. 8,
amended

(4) Where the judge or junior judge of a county or district court is also the judge or junior judge of a surrogate court, there shall be paid out of the Consolidated Revenue Fund, Allowances
where
county
court judge
also
surrogate
court judge

(a) where the judge is the chief judge of the county or district courts, an allowance at the rate of \$7,000 per annum;

(b) where the judge is a judge of the county court of the County of York, an allowance at the rate of \$4,500 per annum;

(c) where the judge is a judge or junior judge of any other county or district court or a judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$3,500 per annum.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1967*. Short title

An Act to amend
The Surrogate Courts Act

1st Reading

April 18th, 1967

2nd Reading

April 21st, 1967

3rd Reading

May 8th, 1967

MR. WISHART

BILL 86

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Police Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The towns that may be exempted from responsibility to maintain police forces are increased from those with a population of under 2,000 to those with a population of under 5,000.

SECTION 2. The amendment permits the employment of municipal law enforcement officers by municipalities policed by the Ontario Provincial Police.

SECTION 3. The amendment provides for the case where there is a board of police commissioners.

BILL 86 **1967**

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 2 of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 2,
subs. 1a
(1965,
c. 99, s. 1),
re-enacted

(1a) The Lieutenant Governor in Council may exempt any town having a population of less than 5,000 according to the last revised assessment roll from the application of subsection 1, and such exemption continues in effect until it is revoked.

Exemption
of towns
of less
than 5,000

2. Section 3 of *The Police Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 298, s. 3,
amended

(1a) For the purpose of subsection 1, municipal law enforcement officers shall not be deemed to be a municipal police force.

Idem

3.—(1) Subsection 1 of section 5 of *The Police Act*, as re-enacted by subsection 1 of section 5 of *The Police Amendment Act, 1964*, is amended by inserting after "municipality" in the sixth line "and, where there is a board, the board" and by inserting after "municipality" in the tenth line "and, where there is a board, the board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 5,
subs. 1
(1964,
c. 92, s. 5,
subs. 1),
amended

(1) Where the Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not providing or maintaining an adequate police force or not complying with this Act or the regulations, it may communicate with the clerk of the municipality, and, where there is a board, the board, indicating that the police force is not adequate or that the provisions

Failure
to provide
adequate
policing or
to comply
with Act or
regulations

of this Act or the regulations are not being complied with and requesting the council of the municipality, and, where there is a board, the board, to take such steps as the Commission deems necessary.

R.S.O. 1960,
c. 298, s. 5,
(1961-62,
c. 105, s. 2),
subs. 2,
amended

(2) Subsection 2 of the said section 5, as re-enacted by section 2 of *The Police Amendment Act, 1961-62* and amended by subsection 2 of section 5 of *The Police Amendment Act, 1964*, is further amended by inserting after "council" in the first line "or the board", so that the subsection shall read as follows:

Action by
Commissioner

- (2) Where the council, or the board, neglects to comply with a request made under subsection 1, the Commission may request the Commissioner to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 7,
subs. 1
(1965,
c. 99, s. 2),
amended

4.—(1) Subsection 1 of section 7 of *The Police Act*, as re-enacted by section 2 of *The Police Amendment Act, 1965*, is amended by striking out "local" in the first line, so that the first five lines of the subsection shall read as follows:

Creation
of board

- (1) Notwithstanding any special Act, every municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last revised assessment roll shall have a board, and,

R.S.O. 1960,
c. 298, s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Powers to
contract
and sue

- (5) A board may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract made by the board.

R.S.O. 1960,
c. 298, s. 18,
(1965,
c. 99, s. 5),
amended

5.—(1) Section 18 of *The Police Act*, as re-enacted by section 5 of *The Police Amendment Act, 1965*, is amended by inserting after "establish" in the third line "or maintain", so that the section shall read as follows:

SECTION 4—Subsection 1. The amendment permits a county, otherwise qualifying, to have a board of police commissioners.

Subsection 2. Boards of police commissioners are given certain characteristics of a corporation.

SECTION 5. The amendments permit the Ontario Police Commission to eliminate police forces in municipalities not required by section 2 to maintain police forces.

SECTION 6. The provision is changed to permit the cost of policing to be paid by different rates levied in different designated areas of municipalities.

SECTION 7. The words struck out are redundant.

SECTIONS 8 and 9. The minimum number of members of a police force required for the appointment of a three-member arbitration board rather than a single-member arbitration board is increased from 10 to 20.

18. Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish or maintain a police force. Municipalities that may have own police forces
- (2) The said section 18 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 298, s. 18 (1965, c. 99, s. 5), amended
- (2) The approval of the Commission to maintain a police force established before the 22nd day of June, 1965, and maintained when this section comes into force shall be deemed to have been given. Approvals of existing forces
- (3) The Commission may revoke an approval given under subsection 1 or 2 at any time. Revocation of approvals
- 6.** Section 21 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 21, re-enacted
- 21.—(1) Subject to the approval of the Commission, the cost incurred by a municipality in maintaining its own police force or by reason of an agreement under section 52 or 53 may, if the council deems it proper, be paid by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only. Rates for cost of policing
- (2) Subject to the approval of the Commission, the council may grant entire or partial exemption from any rate or rates levied under subsection 1 to lands and buildings used exclusively for farming purposes. Farm lands and buildings
- 7.** Clause *a* of subsection 4 of section 23 of *The Police Act*, as re-enacted by subsection 1 of section 6 of *The Police Amendment Act, 1965* and amended by subsection 4 of section 5 of *The Police Amendment Act, 1966*, is further amended by striking out "or head of council" in the amendment of 1966, so that the clause shall read as follows: R.S.O. 1960, c. 298, s. 23 (1965, c. 99, s. 6, subs. 1), subs. 4, cl. a, amended
- (a) any damages or costs awarded against the chief of police in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and
- 8.** Subsection 1 of section 28 of *The Police Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "twenty", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 28, subs. 1, amended

Board of arbitration

- (1) Except in the case of a police force having fewer than twenty members, where after bargaining under section 27 the council of the municipality or, where there is a board, the board, or the members of the police force, or, where there is a bargaining committee, the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members, in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

R.S.O. 1960,
c. 298, s. 29,
subs. 1,
amended

- 9.** Subsection 1 of section 29 of *The Police Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "twenty", so that the subsection shall read as follows:

Arbitrator

- (1) In the case of a police force having fewer than twenty members, where after bargaining under section 27 the council of the municipality or, where there is a board, the board, or the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties.

R.S.O. 1960,
c. 298, s. 44,
repealed

- 10.** Section 44 of *The Police Act* is repealed.

R.S.O. 1960,
c. 298, s. 45,
subs. 2,
amended

- 11.** Subsection 2 of section 45 of *The Police Act* is amended by striking out "shall be paid out of the Law Enforcement Fund and" in the first and second lines, so that the subsection shall read as follows:

Allowances

- (2) The money allowance shall be deemed to be part of the salary of the member.

R.S.O. 1960,
c. 298, s. 45c
(1965,
c. 99, s. 9),
subs. 1,
amended

- 12.** Subsection 1 of section 45c of *The Police Act*, as re-enacted by section 9 of *The Police Amendment Act, 1965* and amended by subsection 1 of section 13 of *The Police Amendment Act, 1966*, is further amended by striking out "but not exceeding the number of other members of the force" in the third and fourth lines, so that the subsection shall read as follows:

Appointment of auxiliary police

- (1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, and may suspend or terminate any such appointment.

SECTIONS 10 and 11. The amendments eliminate the special procedures for disbursement of money from the Law Enforcement Fund, and the accounts are subject to audit by the Provincial Auditor.

SECTION 12. The maximum number of members of auxiliary police is eliminated.

SECTION 13. The by-law enforcement officers are now designated municipal law enforcement officers.

13. Section 59 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 298, s. 59,
re-enacted

59. The council of any municipality or the trustees of any police village may appoint one or more municipal law enforcement officers who shall be peace officers for the purpose of enforcing the by-laws of the municipality or police village. Municipal
law en-
forcement
officer

14. This Act comes into force on the day it receives Royal Assent. Commence-
ment

15. This Act may be cited as *The Police Amendment Act*, 1967. Short title

An Act to amend The Police Act

1st Reading

April 18th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 86

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Police Act

MR. WISHART

(Reprinted as amended by the Committee on Legal Bills and Municipal Affairs)

EXPLANATORY NOTES

SECTION 1. The towns that may be exempted from responsibility to maintain police forces are increased from those with a population of under 2,000 to those with a population of under 5,000.

SECTION 2. The amendment permits the employment of municipal law enforcement officers by municipalities policed by the Ontario Provincial Police.

SECTION 3. The amendment provides for the case where there is a board of police commissioners.

BILL 86

1967

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 2 of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 2,
subs. 1a
(1965,
c. 99, s. 1),
re-enacted

(1a) The Lieutenant Governor in Council may exempt any town having a population of less than 5,000 according to the last municipal census from the application of subsection 1, and such exemption continues in effect until it is revoked.

Exemption
of towns
of less
than 5,000

2. Section 3 of *The Police Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 298, s. 3,
amended

(1a) For the purpose of subsection 1, municipal law enforcement officers shall not be deemed to be a municipal police force.

Idem

3.—(1) Subsection 1 of section 5 of *The Police Act*, as re-enacted by subsection 1 of section 5 of *The Police Amendment Act, 1964*, is amended by inserting after "municipality" in the sixth line "and, where there is a board, the board" and by inserting after "municipality" in the tenth line "and, where there is a board, the board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 5,
subs. 1
(1964,
c. 92, s. 5,
subs. 1),
amended

(1) Where the Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not providing or maintaining an adequate police force or not complying with this Act or the regulations, it may communicate with the clerk of the municipality, and, where there is a board, the board, indicating that the police force is not adequate or that the provisions

Failure
to provide
adequate
policing or
to comply
with Act or
regulations

of this Act or the regulations are not being complied with and requesting the council of the municipality, and, where there is a board, the board, to take such steps as the Commission deems necessary.

R.S.O. 1960,
c. 298, s. 5,
(1961-62,
c. 105, s. 2),
subs. 2,
amended

(2) Subsection 2 of the said section 5, as re-enacted by section 2 of *The Police Amendment Act, 1961-62* and amended by subsection 2 of section 5 of *The Police Amendment Act, 1964*, is further amended by inserting after "council" in the first line "or the board", so that the subsection shall read as follows:

Action by
Commissioner

(2) Where the council, or the board, neglects to comply with a request made under subsection 1, the Commission may request the Commissioner to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 7,
subs. 1
(1965,
c. 99, s. 2),
amended

4.—(1) Subsection 1 of section 7 of *The Police Act*, as re-enacted by section 2 of *The Police Amendment Act, 1965*, is amended by striking out "local" in the first line and by striking out "revised assessment roll" in the fourth line and inserting in lieu thereof "municipal census", so that the first four lines of the subsection shall read as follows:

Creation
of board

(1) Notwithstanding any special Act, every municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last municipal census shall have a board, and,

R.S.O. 1960,
c. 298, s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Powers to
contract
and sue

(5) A board may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract made by the board.

R.S.O. 1960,
c. 298, s. 18,
(1965,
c. 99, s. 5),
amended

5.—(1) Section 18 of *The Police Act*, as re-enacted by section 5 of *The Police Amendment Act, 1965*, is amended by inserting after "establish" in the third line "or maintain", so that the section shall read as follows:

SECTION 4—Subsection 1. The amendment permits a county, otherwise qualifying, to have a board of police commissioners.

Subsection 2. Boards of police commissioners are given certain characteristics of a corporation.

SECTION 5. The amendments permit the Ontario Police Commission to eliminate police forces in municipalities not required by section 2 to maintain police forces.

SECTION 6. The provision is changed to permit the cost of policing to be paid by different rates levied in different designated areas of municipalities.

SECTION 7. The words struck out are redundant.

SECTIONS 8 and 9. The minimum number of members of a police force required for the appointment of a three-member arbitration board rather than a single-member arbitration board is increased from 10 to 20.

18. Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish or maintain a police force. Municipalities that may have own police forces

(2) The said section 18 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 298, s. 18 (1965, c. 99, s. 5), amended

- (2) The approval of the Commission to maintain a police force established before the 22nd day of June, 1965, and maintained when this section comes into force shall be deemed to have been given. Approvals of existing forces

- (3) The Commission may revoke an approval given under subsection 1 or 2 at any time. Revocation of approvals

6. Section 21 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 21, re-enacted

- 21.—(1) Subject to the approval of the Commission, the cost incurred by a municipality in maintaining its own police force or by reason of an agreement under section 52 or 53 may, if the council deems it proper, be paid by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only. Rates for cost of policing

- (2) Subject to the approval of the Commission, the council may grant entire or partial exemption from any rate or rates levied under subsection 1 to lands and buildings used exclusively for farming purposes. Farm lands and buildings

7. Clause *a* of subsection 4 of section 23 of *The Police Act*, as re-enacted by subsection 1 of section 6 of *The Police Amendment Act, 1965* and amended by subsection 4 of section 5 of *The Police Amendment Act, 1966*, is further amended by striking out "or head of council" in the amendment of 1966, so that the clause shall read as follows: R.S.O. 1960, c. 298, s. 23 (1965, c. 99, s. 6, subs. 1), subs. 4, cl. a, amended

- (a) any damages or costs awarded against the chief of police in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

8. Subsection 1 of section 28 of *The Police Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "twenty", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 28, subs. 1, amended

Board of
arbitration

- (1) Except in the case of a police force having fewer than twenty members, where after bargaining under section 27 the council of the municipality or, where there is a board, the board, or the members of the police force, or, where there is a bargaining committee, the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members, in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

R.S.O. 1960,
c. 298, s. 29,
subs. 1,
amended

- 9.** Subsection 1 of section 29 of *The Police Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "twenty", so that the subsection shall read as follows:

Arbitrator

- (1) In the case of a police force having fewer than twenty members, where after bargaining under section 27 the council of the municipality or, where there is a board, the board, or the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties.

R.S.O. 1960,
c. 298, s. 44,
repealed

- 10.** Section 44 of *The Police Act* is repealed.

R.S.O. 1960,
c. 298, s. 45,
subs. 2,
amended

- 11.** Subsection 2 of section 45 of *The Police Act* is amended by striking out "shall be paid out of the Law Enforcement Fund and" in the first and second lines, so that the subsection shall read as follows:

Allowances

- (2) The money allowance shall be deemed to be part of the salary of the member.

R.S.O. 1960,
c. 298, s. 45c
(1965,
c. 99, s. 9),
subs. 1,
amended

- 12.** Subsection 1 of section 45c of *The Police Act*, as re-enacted by section 9 of *The Police Amendment Act, 1965* and amended by subsection 1 of section 13 of *The Police Amendment Act, 1966*, is further amended by striking out "but not exceeding the number of other members of the force" in the third and fourth lines, so that the subsection shall read as follows:

Appoint-
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auxiliary
police

- (1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, and may suspend or terminate any such appointment.

SECTIONS 10 and 11. The amendments eliminate the special procedures for disbursement of money from the Law Enforcement Fund, and the accounts are subject to audit by the Provincial Auditor.

SECTION 12. The maximum number of members of auxiliary police is eliminated.

SECTION 13. The by-law enforcement officers are now designated municipal law enforcement officers.

13. Section 59 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960,
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59. The council of any municipality or the trustees of any police village may appoint one or more municipal law enforcement officers who shall be peace officers for the purpose of enforcing the by-laws of the municipality or police village. Municipal
law en-
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14. This Act comes into force on the day it receives Royal Assent. Commence-
ment

15. This Act may be cited as *The Police Amendment Act, 1967*. Short title

An Act to amend The Police Act

1st Reading

April 18th, 1967

2nd Reading

April 25th, 1967

3rd Reading

MR. WISHART

*(Reprinted as amended by the Committee
on Legal Bills and Municipal Affairs)*

BILL 86

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Police Act

MR. WISHART

BILL 86 1967

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 2 of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
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subs. 1a
(1965,
c. 99, s. 1),
re-enacted

(1a) The Lieutenant Governor in Council may exempt any town having a population of less than 5,000 according to the last municipal census from the application of subsection 1, and such exemption continues in effect until it is revoked.

Exemption
of towns
of less
than 5,000

2. Section 3 of *The Police Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 298, s. 3,
amended

(1a) For the purpose of subsection 1, municipal law enforcement officers shall not be deemed to be a municipal police force.

Idem

3.—(1) Subsection 1 of section 5 of *The Police Act*, as re-enacted by subsection 1 of section 5 of *The Police Amendment Act, 1964*, is amended by inserting after "municipality" in the sixth line "and, where there is a board, the board" and by inserting after "municipality" in the tenth line "and, where there is a board, the board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 5,
subs. 1
(1964,
c. 92, s. 5,
subs. 1),
amended

(1) Where the Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not providing or maintaining an adequate police force or not complying with this Act or the regulations, it may communicate with the clerk of the municipality, and, where there is a board, the board, indicating that the police force is not adequate or that the provisions

Failure
to provide
adequate
policing or
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of this Act or the regulations are not being complied with and requesting the council of the municipality, and, where there is a board, the board, to take such steps as the Commission deems necessary.

R.S.O. 1960,
c. 298, s. 5,
(1961-62,
c. 105, s. 2),
subs. 2,
amended

(2) Subsection 2 of the said section 5, as re-enacted by section 2 of *The Police Amendment Act, 1961-62* and amended by subsection 2 of section 5 of *The Police Amendment Act, 1964*, is further amended by inserting after "council" in the first line "or the board", so that the subsection shall read as follows:

Action by
Commissioner

- (2) Where the council, or the board, neglects to comply with a request made under subsection 1, the Commission may request the Commissioner to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 7,
subs. 1
(1965,
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4.—(1) Subsection 1 of section 7 of *The Police Act*, as re-enacted by section 2 of *The Police Amendment Act, 1965*, is amended by striking out "local" in the first line and by striking out "revised assessment roll" in the fourth line and inserting in lieu thereof "municipal census", so that the first five lines of the subsection shall read as follows:

Creation
of board

- (1) Notwithstanding any special Act, every municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last municipal census shall have a board, and,

R.S.O. 1960,
c. 298, s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Powers to
contract
and sue

- (5) A board may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract made by the board.

R.S.O. 1960,
c. 298, s. 18,
(1965,
c. 99, s. 5),
amended

5.—(1) Section 18 of *The Police Act*, as re-enacted by section 5 of *The Police Amendment Act, 1965*, is amended by inserting after "establish" in the third line "or maintain", so that the section shall read as follows:

18. Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish or maintain a police force. Municipalities that may have own police forces

(2) The said section 18 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 298, s. 18 (1965, c. 99, s. 5), amended

- (2) The approval of the Commission to maintain a police force established before the 22nd day of June, 1965, and maintained when this section comes into force shall be deemed to have been given. Approvals of existing forces

- (3) The Commission may revoke an approval given under subsection 1 or 2 at any time. Revocation of approvals

6. Section 21 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 21, re-enacted

- 21.—(1) Subject to the approval of the Commission, the cost incurred by a municipality in maintaining its own police force or by reason of an agreement under section 52 or 53 may, if the council deems it proper, be paid by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only. Rates for cost of policing

- (2) Subject to the approval of the Commission, the council may grant entire or partial exemption from any rate or rates levied under subsection 1 to lands and buildings used exclusively for farming purposes. Farm lands and buildings

7. Clause *a* of subsection 4 of section 23 of *The Police Act*, as re-enacted by subsection 1 of section 6 of *The Police Amendment Act, 1965* and amended by subsection 4 of section 5 of *The Police Amendment Act, 1966*, is further amended by striking out "or head of council" in the amendment of 1966, so that the clause shall read as follows: R.S.O. 1960, c. 298, s. 23 (1965, c. 99, s. 6, subs. 1), subs. 4, cl. a, amended

- (a) any damages or costs awarded against the chief of police in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

8. Subsection 1 of section 28 of *The Police Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "twenty", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 28, subs. 1, amended

Board of
arbitration

- (1) Except in the case of a police force having fewer than twenty members, where after bargaining under section 27 the council of the municipality or, where there is a board, the board, or the members of the police force, or, where there is a bargaining committee, the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members, in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

R.S.O. 1960,
c. 298, s. 29,
subs. 1,
amended

- 9.** Subsection 1 of section 29 of *The Police Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "twenty", so that the subsection shall read as follows:

Arbitrator

- (1) In the case of a police force having fewer than twenty members, where after bargaining under section 27 the council of the municipality or, where there is a board, the board, or the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties.

R.S.O. 1960,
c. 298, s. 44,
repealed

- 10.** Section 44 of *The Police Act* is repealed.

R.S.O. 1960,
c. 298, s. 45,
(1965,
c. 99, s. 9),
subs. 2,
amended

- 11.** Subsection 2 of section 45 of *The Police Act* is amended by striking out "shall be paid out of the Law Enforcement Fund and" in the first and second lines, so that the subsection shall read as follows:

Allowances

- (2) The money allowance shall be deemed to be part of the salary of the member.

R.S.O. 1960,
c. 298, s. 45c
(1965,
c. 99, s. 9),
subs. 1,
amended

- 12.** Subsection 1 of section 45c of *The Police Act*, as re-enacted by section 9 of *The Police Amendment Act, 1965* and amended by subsection 1 of section 13 of *The Police Amendment Act, 1966*, is further amended by striking out "but not exceeding the number of other members of the force" in the third and fourth lines, so that the subsection shall read as follows:

Appoint-
ment of
auxiliary
police

- (1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, and may suspend or terminate any such appointment.

13. Section 59 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 298, s. 59,
re-enacted

59. The council of any municipality or the trustees of any police village may appoint one or more municipal law enforcement officers who shall be peace officers for the purpose of enforcing the by-laws of the municipality or police village. Municipal
law en-
forcement
officer

14. This Act comes into force on the day it receives Royal Assent. Commence-
ment

15. This Act may be cited as *The Police Amendment Act*, 1967. Short title

1st Reading

April 18th, 1967

2nd Reading

April 25th, 1967

3rd Reading

June 2nd, 1967

Mr. WISHART

BILL 87

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Mining Act

MR. WARDROPE

EXPLANATORY NOTES

SECTION 1. These definitions are for the purposes of clarification.

SECTION 2. This section clarifies the status of a licensee while his licence is revoked or suspended.

BILL 87

1967

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act*, as amended by section 1 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following paragraph: R.S.O. 1960,
c. 241, s. 1,
amended

8a. "lease" means a leasehold patent.

(2) Paragraph 19 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 241, s. 1,
par. 19,
re-enacted

19. "patent" means a grant from the Crown in fee simple or for a less estate made under the Great Seal, and includes leasehold patents and freehold patents, but in sections 7, 34, 68b, 83, 100b, 100c, 102, 103, 104, 105, 106, 107, 108, 108a, 109, 110, 639, 640, 647, 651, 654 and 661 the meaning is limited to freehold patents.

(3) The said section 1 is further amended by adding thereto the following paragraphs: R.S.O. 1960,
c. 241, s. 1,
amended

23a. "unpatented", when referring to land or mining rights, means land or mining rights for which a patent, lease, licence of occupation or any other form of Crown grant is not in effect;

23b. "unpatented mining claim" means a mining claim that is in good standing and for which the Crown has not issued a patent, lease or licence of occupation.

2. Section 33 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 241, s. 33,
amended

Idem

- (1a) Where a licence is revoked under subsection 1, the Minister shall determine and notify the holder of the licence revoked of the period of time during which a licence shall not be issued to him.

Idem

- (2a) Where a licence is suspended under subsection 2, the Minister shall determine and notify the holder of the licence suspended of the period of time during which his licence is suspended.

Rights of
licensee
under
suspension

- (3) While a licence is suspended under subsection 2, the licensee may renew his licence or transfer claims to another licensee or report work, but he may not stake out or apply for a mining claim or acquire an unpatented mining claim or interest therein through transfer or obtain an extension of time in which to perform work or in which to apply for lease on any unpatented mining claim recorded in his name.

R.S.O. 1960,
c. 241, s. 54,
subs. 1,
amended

- 3.** Subsection 1 of section 54 of *The Mining Act* is amended by striking out "but not more than eighteen of such mining claims may be staked out and applied for in one mining division or in territory not included in a mining division" in the second, third, fourth and fifth lines, so that the subsection shall read as follows:

Maximum
number of
claims per
licensee

- (1) A licensee shall not stake out and apply for more than ninety mining claims in a licence year.

R.S.O. 1960,
c. 241, s. 62,
subs. 5,
amended

- 4.** Subsection 5 of section 62 of *The Mining Act* is amended by inserting after "the" where it occurs the first time in the fourth line "corresponding", so that the subsection shall read as follows:

Tagging
claim posts
after
recording

- (5) As soon as is reasonably possible after the recording of the mining claim and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corresponding corner posts of the claim a metal tag plainly marked or impressed with the recorded number and letter or letters of the claim, and the recorder shall supply such numbered tags free of charge.

R.S.O. 1960,
c. 241, s. 63,
subs. 3,
amended

- 5.—(1)** Subsection 3 of section 63 of *The Mining Act* is amended by inserting after "the" where it occurs the second time in the second line "corresponding", so that the subsection shall read as follows:

SECTION 3. This amendment eliminates the limit (18) on the number of claims that may be staked each year in a mining division but makes no change in the total number (90) that may be staked in the Province.

SECTION 4. The amendment makes it clear that the tag to be affixed to a post must be the tag intended for that post.

SECTION 5—Subsection 1. See note to section 4. This amendment is similar.

Subsection 2. Permits the use of common posts in staking groups of claims. Common posts may now be used on the perimeter and as witness posts. The size of a required group is reduced from four to two.

SECTION 6. This clarifies the existing policy concerning surface rights of holders of mining claims and concerning sand and gravel on unpatented mining claims.

- (3) A licensee purchasing metal tags under this section shall affix the metal tags to the corresponding corner posts at the time of staking out a mining claim, and otherwise the staking out and recording shall be in the manner provided in this Act. Affixing of claim tags

(2) Subsection 10 of the said section 63, as enacted by section 2 of *The Mining Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 63, subs. 10 (1965, c. 73, s. 2), re-enacted

- (10) Where metal tags purchased under this section are used in staking out mining claims and the licensee stakes out a group of two or more contiguous claims as part of a continuous action and presents the claims to the recorder for recording at the same time, he may plant or erect and use common posts at common corners if, Licensee staking out contiguous claims may use common posts at common corners

(a) the metal tag and the writing pertaining to each claim are placed on that side of the common post facing the next post for that claim in a clockwise manner;

(b) the sketch furnished under subsection 1 of section 59 indicates any common posts so planted or erected,

and otherwise the staking out and recording shall be in the manner provided in this Act.

6. Section 68 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 68, amended

(1a) The staking out or filing of an application for or the recording of a mining claim, or all or any of such acts, does not confer upon a licensee any right to take, remove, or otherwise dispose of any minerals, sand, gravel, stone or any other material found in, upon or under the mining claim. Rights in claim

(1b) The Minister may reserve for the Crown the sand and gravel located on an unpatented mining claim. Reservations for Crown on unpatented claims

(1c) The reservation authorized by subsection 1b shall be deemed to have been made on all unpatented mining claims unless such reservation is waived by the Minister. Reservation may be waived by Minister

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Taxation

- (4) The holder of a licence of occupation or quarry permit issued under this Act or any predecessor thereof is not liable to assessment or taxation for municipal or school purposes in respect of such licence of occupation or quarry permit except with respect to improvements for which he would be liable to assessment or taxation if the lands were held under a patent.

R.S.O. 1960,
c. 241,
amended

7. *The Mining Act* is amended by adding thereto the following section:

Permission
to test ore

- 68b.—(1) The Minister may permit the mining, milling and refining of ore on an unpatented mining claim for the purpose of testing mineral content and may prescribe the conditions for so doing.

Conditions
of permis-
sion to
test ore

- (2) Permission granted under subsection 1 shall be in writing, shall be for a given period of time and shall cover a given quantity of ore.

Sale of ore

- (3) The end product of such mining, milling and refining, except as provided in subsection 4, shall not be sold or otherwise disposed of until the mining claim or mining claims from which the ore was taken are leased or patented under this Act.

Disposition
of proceeds
from sale
of ore

- (4) The Minister may, in writing, prescribe the disposition of the proceeds from the sale of any end product and may require that the proceeds be held by the Crown until title has been granted for the mining claim or claims or he may direct that the proceeds be escheated to the Crown in whole or in part.

R.S.O. 1960,
c. 241, s. 71,
repealed

8. Section 71 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 83,
subs. 6,
re-enacted

9. Subsection 6 of section 83 of *The Mining Act* is repealed and the following substituted therefor:

Work to be
performed
on claims

- (6) A licensee may perform or cause to be performed on one or more unpatented claims any of the work required to be performed in respect of contiguous unpatented claims recorded in his name or of which he is the optionee of record, and the reports of work and the certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied, but in no case, except for work required under subsection 18 of section 100a, shall more than 4,000 days work be performed on a claim

Subsection 4, an extension of subsection 3, is required by the new definition of "unpatented" included in section 1.

SECTION 7. This amplifies the duties of the Minister and provides the authority and conditions for testing bulk samples of ore. All the mineral on a mining claim remains the property of the Crown until title has passed and the Minister prescribes the disposition of the proceeds from the sale of ore.

SECTION 8. This section is now redundant because of the enactment of section 6 of this Bill.

SECTION 9. This amendment liberalizes the existing policy and states the procedures concerning the grouping of mining claims for assessment work.

SECTION 10—Subsections 1 and 2. The amendments bring the legislation concerning the filing of geophysical and geological surveys in line with current practice.

for application on other claims and at least one day's work must be filed on each claim grouped for a filing of work.

- (6a) A recorded holder or an optionee of record may vary the claims grouped under subsection 6 for successive filings of work but the grouping for each filing must meet the requirements of subsection 6. Grouping of claims for filing
- (6b) The total amount of work performed on an unpatented claim and applied on other claims is the work assignment. Work applied to other claims
- (6c) The work assignment charged to a claim is voided when the claim is transferred to another licensee or when an option is filed in favour of another licensee, and the new holder or new optionee is entitled to a full work assignment of not more than 4,000 days work with respect to that claim, provided that the requirements of subsection 6 are met. When work assignment voided
- (6d) If a previous recorded holder again becomes the recorded holder of a claim, the work assignment charged to the claim is the work assignment that was charged to it at the time that he disposed of the claim. Claim reverting to original holder
- (6e) If an option ceases to have effect by virtue of an entry on the record of a claim, the work assignment charged to the claim is the work assignment that was charged to it at the time that the option was filed. Lapse of option
- (6f) Notwithstanding subsection 6, if the work is diamond drilling and the length of the drill hole is greater than 4,000 feet, the licensee may make application to the Minister for an increase in the work assignment for the claim on which the drilling is performed, and the work assignment may be increased by the difference between 4,000 days and the credit to which he would be entitled for the drilling, Increase of work assignment

(a) if the Minister issues a certificate in the prescribed form; and

(b) if the certificate is filed in the office of the recorder before the work is commenced.

10.—(1) Subsection 8 of section 84 of *The Mining Act*, as re-enacted by subsection 1 of section 7 of *The Mining Amendment Act, 1964*, is amended by striking out "and R.S.O. 1960, c. 241, s. 84, subs. 8 (1964, c. 62, s. 7, subs. 1), amended

approved by the Minister within sixty days of the recording of work" in the twenty-first, twenty-second and twenty-third lines and inserting in lieu thereof "the Minister within sixty days of the recording of the work and are approved", so that the subsection shall read as follows:

Surveys

- (8) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim, subject to,

(a) ground surveys, at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geophysical survey for each eight hours of his employment, but no credit shall be given for more than twelve hours in any day in respect of any man; and

(b) airborne geophysical surveys at the rate of forty days' work in respect of each mile of continuous recordings,

but not more than a total of eighty days' work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

R.S.O. 1960,
c. 241, s. 84,
subs. 9
(1964,
c. 62, s. 7,
subs. 1),
amended

(2) Subsection 9 of the said section 84, as re-enacted by subsection 1 of section 7 of *The Mining Amendment Act, 1964*, is amended by striking out "and approved by the Minister within sixty days of the recording of the work" in the fourteenth, fifteenth and sixteenth lines and inserting in lieu thereof "the Minister within sixty days of the recording of the work and are approved", so that the subsection shall read as follows:

Geological
survey to
count as
work

- (9) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geological survey for each eight hours of his employment, not exceeding a total of forty days' work in respect

Subsection 3. The new subsection provides a credit for geochemical work on the same basis as geological and geophysical work.

Subsection 4. The amendment is complementary to subsection 3 and is made to include geochemical work.

Subsection 5. The amendment clears up a conflict between two sections of the Act.

of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

(3) The said section 84 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 84,
amended

(9a) A geochemical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geochemical survey for each eight hours of his employment, not exceeding a total of forty days' work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved. Geochemical
survey to
count as
work

(4) Subsection 11 of the said section 84 is amended by inserting after "geological" in the first line "geochemical", so that the subsection shall read as follows: R.S.O. 1960,
c. 241, s. 84,
subs. 11,
amended

(11) Subsection 6 of section 83 does not apply to geological, geochemical and geophysical work, and for the purposes of this Act such work shall be deemed to have been performed equally on each claim actually covered by the survey, and shall be recorded accordingly and in no other way. Certain
work
excepted
from s. 83,
subs. 6

(5) Subsection 12 of the said section 84 is amended by adding at the commencement thereof "Subject to subsection 2 of section 164", so that the subsection shall read as follows: R.S.O. 1960,
c. 241, s. 84,
subs. 12,
amended

(12) Subject to subsection 2 of section 164, shaft sinking, drifting or other lateral work that is at least 10 feet below the surface and the opening of which is at least 5 feet by 7 feet counts as work at the rate of four days' work in respect of each man employed in the work for each six hours of the employment, but no credit shall be given for more than twelve hours in any day in respect of any man. Shaft
sinking,
etc., subject
to s. 164,
subs. 2

R.S.O. 1960,
c. 241, s. 84,
amended

(6) The said section 84 is further amended by adding thereto the following subsection:

Work
credits

(15) Notwithstanding subsection 3 of section 83, assessment work credits requiring the approval of the Minister under this section are final.

R.S.O. 1960,
c. 241, s. 92,
amended

11. Section 92 of *The Mining Act*, as amended by section 26 of *The Mining Amendment Act, 1962-63* and subsections 1 and 2 of section 4 of *The Mining Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Relief
against
forfeiture

(11) Where the licence of the claim holder has expired and there is no adverse interest, a recorder may, within three months of the expiry, make an order relieving the claim from forfeiture and authorizing special renewal of the licence on payment of twice the prescribed fee, and such order has the same effect as though issued under clause *a* of subsection 1.

R.S.O. 1960,
c. 241,
amended

12. *The Mining Act* is amended by adding thereto the following section:

Reserva-
tions, etc.,
in leases

101.—(1) Every lease issued under this Act shall contain the following reservations or provisions:

Reservation
for roads

1. Provided that nothing whatsoever herein contained shall prevent or interfere with the free user of any public or travelled road or highway crossing the hereinbefore described premises.

Reservation
for power,
petroleum,
etc.

2. Reserving unto Us, Our Heirs and Successors such use of the land hereby demised for all such works as may be necessary for the development of water power and the development, transmission and distribution of electrical power, natural gas, petroleum and petroleum products, including the construction, maintenance and operation of roads, railroads, transmission lines and stations, flumes, pipelines, dams, power houses and other works and structures without any liability by Us to the Lessee.

Reservation
for railways

3. Reserving the right to grant without compensation to any person or corporation the right-of-way necessary for the construction and operation of one or more railways over or across the lands herein leased without let or

Subsection 6. The amendment provides that credits given at the discretion of the Minister are not subject to dispute.

SECTION 11. The new subsection provides a simplified method of granting special renewals of miners' licences by a recorder.

SECTION 12. The essential reservations that apply to every lease not already covered by the Act are declared in items 1 to 6.

hindrance from the Lessee where such railway or railways shall not manifestly or materially interfere with the mining operations carried on upon the said premises.

4. Saving, Excepting and Reserving unto Us, Our Heirs and Successors the free use, passage and enjoyment of, in, over and upon all navigable waters which shall or may hereafter be found on or under or to be flowing through or upon any part of the said parcel or tract of land hereby demised as aforesaid and reserving also right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, together with the right to use so much of the banks thereof not exceeding one chain in depth from the highwater mark as may be necessary for fishery or public purposes.

Reservation
for
navigable
waters

Provided that, should the premises herein described or any part thereof be covered by navigable waters, this lease shall be subject to the provisions of the *Navigable Waters Protection Act* (Canada), *The Beds of Navigable Waters Act* and *The Lakes and Rivers Improvement Act*.

R.S.C. 1952,
c. 193
R.S.O. 1960,
cc. 32, 203

5. Provided that nothing herein contained shall in any manner restrict fishing or fishing rights in any navigable waters covering the premises hereby demised and that the said Lessee shall not do any act resulting in damage to fishing or the fishing industry in the said waters or to nets or other appliances used in fishing in such waters.
6. Provided that these presents shall not vest in the Lessee any right, claim or title to the land under navigable waters which may be included within the limits of the herein described premises, but the Lessee shall have the exclusive right to extract the minerals therefrom during the term of these presents.

Reservation
for fishing

Reservation
for land
under
navigable
waters

- (2) Item 2 of subsection 1 does not apply to a lease of the mining rights only.
- (3) The Minister may direct the inclusion of other reservations or provisions provided for in this Act or not inconsistent with the intent of this Act.

Where
item 2
does not
apply

Other
reservations

R.S.O. 1960, c. 241, amended **13.** *The Mining Act* is amended by adding thereto the following section:

Surveys
under
annulments

108a. Where patents, leases, licences or other instruments of title have been issued under this Act for any land or mining rights affected by an annulment under subsection 1 of section 10 of *The Public Lands Act*, the Deputy Minister, whether or not the land has been registered under *The Land Titles Act* or *The Registry Act*, may cause such instrument of title to be cancelled and an instrument containing a revised description of the land or mining rights to be issued in its stead, and the corrected instrument shall relate back to the date of the one so cancelled and has the same effect as if issued on the date of the cancelled instrument.

R.S.O. 1960,
cc. 324,
204, 348

R.S.O. 1960, c. 241, s. 115, re-enacted **14.** Section 115 of *The Mining Act* is repealed and the following substituted therefor:

Regulations
for boring
permits

115. Notwithstanding anything in sections 113 and 114, the Minister, with the approval of the Lieutenant Governor in Council, may make such regulations as he thinks fit respecting the issue of boring permits authorizing the holders thereof to prospect for petroleum or natural gas in that part of Ontario lying north of the fifty-first parallel of latitude and predominately underlain with paleozoic rock formations and for the issue of leases upon such terms as the Minister sees fit.

R.S.O. 1960, c. 241, amended **15.** *The Mining Act* is amended by adding thereto the following Part:

PART VI

EXPLORATORY LICENCES AND PRODUCTION LEASES IN PALEOZOIC ROCK FORMATIONS

Regulations
for map
staking

117a. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations respecting licences to explore for and leases to mine minerals in designated areas in that part of Ontario lying north of the fifty-first parallel of latitude and predominately underlain with paleozoic rock formations.

R.S.O. 1960, c. 241, s. 129, amended **16.** Section 129 of *The Mining Act* is amended by adding thereto the following subsection:

SECTION 13. Self-explanatory. The same provision is contained in *The Public Lands Act*.

SECTION 14. This amendment is necessary because the boundary stated in the Act "north of the transcontinental railway" was ambiguous.

SECTION 15. The new Part provides the legislative authority for regulations respecting "map staking" in the northernmost part of the Province.

SECTION 16. This new subsection clears up a conflict in the Act.

SECTION 17. The amendment clears up any doubt as to whether the recorders have authority to order the replacement of corner posts.

SECTION 18. The new section provides for easements relative to dominant and servient tenements of forfeited lands.

SECTION 19. Complementary to section 3 of the Bill. In order to compensate for loss to the Crown in licence fees, recording fees and transfer fees, the recording fee for all mining claims will be a straight \$10.00 per claim.

- (2) Subsection 1 does not apply to cancellations or forfeitures provided for in this Act or in the patent. Where cancellations permitted

17. Subsection 6 of section 134 of *The Mining Act*, as enacted by section 38 of *The Mining Amendment Act, 1962-63*, is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960, c. 241, s. 134, subs. 6, (1962-63, c. 84, s. 38), amended

- (*d*) to replace missing corner posts and witness posts and to affix tags to such posts,

.

18. *The Mining Act* is amended by adding thereto the following section: R.S.O. 1960, c. 241, amended

679. Where under this Part or section 106, 655 or 656 a dominant tenement reverts to and becomes vested in the Crown, any easement appurtenant thereto passes to the Crown, and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected. Lands and easements revert to Crown

19. Item 4 of the Schedule to *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, Sched., item 4, re-enacted

4. For recording each mining claim staked out by a licensee..... \$10.00

20. This Act comes into force on the day it receives Royal Assent. Commencement

21. This Act may be cited as *The Mining Amendment Act, 1967*. Short title

An Act to amend The Mining Act

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. WARDROPE

BILL 87

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Mining Act

MR. WARDROPE

BILL 87

1967

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act*, as amended by section 1 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following paragraph: R.S.O. 1960,
c. 241, s. 1,
amended

8a. "lease" means a leasehold patent.

(2) Paragraph 19 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 241, s. 1,
par. 19,
re-enacted

19. "patent" means a grant from the Crown in fee simple or for a less estate made under the Great Seal, and includes leasehold patents and freehold patents, but in sections 7, 34, 68b, 83, 100b, 100c, 102, 103, 104, 105, 106, 107, 108, 108a, 109, 110, 639, 640, 647, 651, 654 and 661 the meaning is limited to freehold patents.

(3) The said section 1 is further amended by adding thereto the following paragraphs: R.S.O. 1960,
c. 241, s. 1,
amended

23a. "unpatented", when referring to land or mining rights, means land or mining rights for which a patent, lease, licence of occupation or any other form of Crown grant is not in effect;

23b. "unpatented mining claim" means a mining claim that is in good standing and for which the Crown has not issued a patent, lease or licence of occupation.

2. Section 33 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 241, s. 33,
amended

Idem

- (1a) Where a licence is revoked under subsection 1, the Minister shall determine and notify the holder of the licence revoked of the period of time during which a licence shall not be issued to him.

Idem

- (2a) Where a licence is suspended under subsection 2, the Minister shall determine and notify the holder of the licence suspended of the period of time during which his licence is suspended.

Rights of
licensee
under
suspension

- (3) While a licence is suspended under subsection 2, the licensee may renew his licence or transfer claims to another licensee or report work, but he may not stake out or apply for a mining claim or acquire an unpatented mining claim or interest therein through transfer or obtain an extension of time in which to perform work or in which to apply for lease on any unpatented mining claim recorded in his name.

R.S.O. 1960,
c. 241, s. 54,
subs. 1,
amended

3. Subsection 1 of section 54 of *The Mining Act* is amended by striking out "but not more than eighteen of such mining claims may be staked out and applied for in one mining division or in territory not included in a mining division" in the second, third, fourth and fifth lines, so that the subsection shall read as follows:

Maximum
number of
claims per
licensee

- (1) A licensee shall not stake out and apply for more than ninety mining claims in a licence year.

R.S.O. 1960,
c. 241, s. 62,
subs. 5,
amended

4. Subsection 5 of section 62 of *The Mining Act* is amended by inserting after "the" where it occurs the first time in the fourth line "corresponding", so that the subsection shall read as follows:

Tagging
claim posts
after
recording

- (5) As soon as is reasonably possible after the recording of the mining claim and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corresponding corner posts of the claim a metal tag plainly marked or impressed with the recorded number and letter or letters of the claim, and the recorder shall supply such numbered tags free of charge.

R.S.O. 1960,
c. 241, s. 63,
subs. 3,
amended

5.—(1) Subsection 3 of section 63 of *The Mining Act* is amended by inserting after "the" where it occurs the second time in the second line "corresponding", so that the subsection shall read as follows:

- (3) A licensee purchasing metal tags under this section shall affix the metal tags to the corresponding corner posts at the time of staking out a mining claim, and otherwise the staking out and recording shall be in the manner provided in this Act. Affixing of claim tags
- (2) Subsection 10 of the said section 63, as enacted by section 2 of *The Mining Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 63, subs. 10 (1965, c. 73, s. 2), re-enacted
- (10) Where metal tags purchased under this section are used in staking out mining claims and the licensee stakes out a group of two or more contiguous claims as part of a continuous action and presents the claims to the recorder for recording at the same time, he may plant or erect and use common posts at common corners Licensee staking out contiguous claims may use common posts at common corners
- (a) the metal tag and the writing pertaining to each claim are placed on that side of the common post facing the next post for that claim in a clockwise manner;
- (b) the sketch furnished under subsection 1 of section 59 indicates any common posts so planted or erected,
- and otherwise the staking out and recording shall be in the manner provided in this Act.
- 6.** Section 68 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 68, amended
- (1a) The staking out or filing of an application for or the recording of a mining claim, or all or any of such acts, does not confer upon a licensee any right to take, remove, or otherwise dispose of any minerals, sand, gravel, stone or any other material found in, upon or under the mining claim. Rights in claim
- (1b) The Minister may reserve for the Crown the sand and gravel located on an unpatented mining claim. Reservations for Crown on unpatented claims
- (1c) The reservation authorized by subsection 1b shall be deemed to have been made on all unpatented mining claims unless such reservation is waived by the Minister. Reservation may be waived by Minister

Taxation

- (4) The holder of a licence of occupation or quarry permit issued under this Act or any predecessor thereof is not liable to assessment or taxation for municipal or school purposes in respect of such licence of occupation or quarry permit except with respect to improvements for which he would be liable to assessment or taxation if the lands were held under a patent.

R.S.O. 1960,
c. 241,
amended

7. *The Mining Act* is amended by adding thereto the following section:

Permission to test ore

- 68b.—(1) The Minister may permit the mining, milling and refining of ore on an unpatented mining claim for the purpose of testing mineral content and may prescribe the conditions for so doing.

Conditions of permission to test ore

- (2) Permission granted under subsection 1 shall be in writing, shall be for a given period of time and shall cover a given quantity of ore.

Sale of ore

- (3) The end product of such mining, milling and refining, except as provided in subsection 4, shall not be sold or otherwise disposed of until the mining claim or mining claims from which the ore was taken are leased or patented under this Act.

Disposition of proceeds from sale of ore

- (4) The Minister may, in writing, prescribe the disposition of the proceeds from the sale of any end product and may require that the proceeds be held by the Crown until title has been granted for the mining claim or claims or he may direct that the proceeds be escheated to the Crown in whole or in part.

R.S.O. 1960,
c. 241, s. 71,
repealed

8. Section 71 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 83,
subs. 6,
re-enacted

9. Subsection 6 of section 83 of *The Mining Act* is repealed and the following substituted therefor:

Work to be performed on claims

- (6) A licensee may perform or cause to be performed on one or more unpatented claims any of the work required to be performed in respect of contiguous unpatented claims recorded in his name or of which he is the optionee of record, and the reports of work and the certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied, but in no case, except for work required under subsection 18 of section 100a, shall more than 4,000 days work be performed on a claim

for application on other claims and at least one day's work must be filed on each claim grouped for a filing of work.

- (6a) A recorded holder or an optionee of record may vary the claims grouped under subsection 6 for successive filings of work but the grouping for each filing must meet the requirements of subsection 6. Grouping of claims for filing
- (6b) The total amount of work performed on an unpatented claim and applied on other claims is the work assignment. Work applied to other claims
- (6c) The work assignment charged to a claim is voided when the claim is transferred to another licensee or when an option is filed in favour of another licensee, and the new holder or new optionee is entitled to a full work assignment of not more than 4,000 days work with respect to that claim, provided that the requirements of subsection 6 are met. When work assignment voided
- (6d) If a previous recorded holder again becomes the recorded holder of a claim, the work assignment charged to the claim is the work assignment that was charged to it at the time that he disposed of the claim. Claim reverting to original holder
- (6e) If an option ceases to have effect by virtue of an entry on the record of a claim, the work assignment charged to the claim is the work assignment that was charged to it at the time that the option was filed. Lapse of option
- (6f) Notwithstanding subsection 6, if the work is diamond drilling and the length of the drill hole is greater than 4,000 feet, the licensee may make application to the Minister for an increase in the work assignment for the claim on which the drilling is performed, and the work assignment may be increased by the difference between 4,000 days and the credit to which he would be entitled for the drilling, Increase of work assignment

(a) if the Minister issues a certificate in the prescribed form; and

(b) if the certificate is filed in the office of the recorder before the work is commenced.

10.—(1) Subsection 8 of section 84 of *The Mining Act*, as re-enacted by subsection 1 of section 7 of *The Mining Amendment Act, 1964*, is amended by striking out "and amended" R.S.O. 1960, c. 241, s. 84, subs. 8 (1964, c. 62, s. 7, subs. 1), amended

approved by the Minister within sixty days of the recording of work" in the twenty-first, twenty-second and twenty-third lines and inserting in lieu thereof "the Minister within sixty days of the recording of the work and are approved", so that the subsection shall read as follows:

Surveys

(8) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim, subject to,

(a) ground surveys, at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geophysical survey for each eight hours of his employment, but no credit shall be given for more than twelve hours in any day in respect of any man; and

(b) airborne geophysical surveys at the rate of forty days' work in respect of each mile of continuous recordings,

but not more than a total of eighty days' work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

R.S.O. 1960,
c. 241, s. 84,
subs. 9
(1964,
c. 62, s. 7,
subs. 1),
amended

(2) Subsection 9 of the said section 84, as re-enacted by subsection 1 of section 7 of *The Mining Amendment Act, 1964*, is amended by striking out "and approved by the Minister within sixty days of the recording of the work" in the fourteenth, fifteenth and sixteenth lines and inserting in lieu thereof "the Minister within sixty days of the recording of the work and are approved", so that the subsection shall read as follows:

Geological
survey to
count as
work

(9) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geological survey for each eight hours of his employment, not exceeding a total of forty days' work in respect

of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

(3) The said section 84 is amended by adding thereto the following subsection: R.S.O. 1960, c. 241, s. 84, amended

(9a) A geochemical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geochemical survey for each eight hours of his employment, not exceeding a total of forty days' work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved. Geochemical survey to count as work

(4) Subsection 11 of the said section 84 is amended by inserting after "geological" in the first line "geochemical", so that the subsection shall read as follows: R.S.O. 1960, c. 241, s. 84, subs. 11, amended

(11) Subsection 6 of section 83 does not apply to geological, geochemical and geophysical work, and for the purposes of this Act such work shall be deemed to have been performed equally on each claim actually covered by the survey, and shall be recorded accordingly and in no other way. Certain work excepted from s. 83, subs. 6

(5) Subsection 12 of the said section 84 is amended by adding at the commencement thereof "Subject to subsection 2 of section 164", so that the subsection shall read as follows: R.S.O. 1960, c. 241, s. 84, subs. 12, amended

(12) Subject to subsection 2 of section 164, shaft sinking, drifting or other lateral work that is at least 10 feet below the surface and the opening of which is at least 5 feet by 7 feet counts as work at the rate of four days' work in respect of each man employed in the work for each six hours of the employment, but no credit shall be given for more than twelve hours in any day in respect of any man. Shaft sinking, etc., subject to s. 164, subs. 2

R.S.O. 1960,
c. 241, s. 84,
amended

(6) The said section 84 is further amended by adding thereto the following subsection:

Work
credits

- (15) Notwithstanding subsection 3 of section 83, assessment work credits requiring the approval of the Minister under this section are final.

R.S.O. 1960,
c. 241, s. 92,
amended

11. Section 92 of *The Mining Act*, as amended by section 26 of *The Mining Amendment Act, 1962-63* and subsections 1 and 2 of section 4 of *The Mining Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Relief
against
forfeiture

- (11) Where the licence of the claim holder has expired and there is no adverse interest, a recorder may, within three months of the expiry, make an order relieving the claim from forfeiture and authorizing special renewal of the licence on payment of twice the prescribed fee, and such order has the same effect as though issued under clause *a* of subsection 1.

R.S.O. 1960,
c. 241,
amended

12. *The Mining Act* is amended by adding thereto the following section:

Reserva-
tions, etc.,
in leases

- 101.—(1) Every lease issued under this Act shall contain the following reservations or provisions:

Reservation
for roads

1. Provided that nothing whatsoever herein contained shall prevent or interfere with the free user of any public or travelled road or highway crossing the hereinbefore described premises.

Reservation
for power,
petroleum,
etc.

2. Reserving unto Us, Our Heirs and Successors such use of the land hereby demised for all such works as may be necessary for the development of water power and the development, transmission and distribution of electrical power, natural gas, petroleum and petroleum products, including the construction, maintenance and operation of roads, railroads, transmission lines and stations, flumes, pipelines, dams, power houses and other works and structures without any liability by Us to the Lessee.

Reservation
for railways

3. Reserving the right to grant without compensation to any person or corporation the right-of-way necessary for the construction and operation of one or more railways over or across the lands herein leased without let or

hindrance from the Lessee where such railway or railways shall not manifestly or materially interfere with the mining operations carried on upon the said premises.

4. Saving, Excepting and Reserving unto Us, Our Heirs and Successors the free use, passage and enjoyment of, in, over and upon all navigable waters which shall or may hereafter be found on or under or to be flowing through or upon any part of the said parcel or tract of land hereby demised as aforesaid and reserving also right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, together with the right to use so much of the banks thereof not exceeding one chain in depth from the highwater mark as may be necessary for fishery or public purposes.

Reservation
for
navigable
waters

Provided that, should the premises herein described or any part thereof be covered by navigable waters, this lease shall be subject to the provisions of the *Navigable Waters Protection Act* (Canada), *The Beds of Navigable Waters Act* and *The Lakes and Rivers Improvement Act*.

R.S.C. 1952,
c. 193
R.S.O. 1960,
cc. 32, 203

5. Provided that nothing herein contained shall in any manner restrict fishing or fishing rights in any navigable waters covering the premises hereby demised and that the said Lessee shall not do any act resulting in damage to fishing or the fishing industry in the said waters or to nets or other appliances used in fishing in such waters.
6. Provided that these presents shall not vest in the Lessee any right, claim or title to the land under navigable waters which may be included within the limits of the herein described premises, but the Lessee shall have the exclusive right to extract the minerals therefrom during the term of these presents.

Reservation
for fishing

Reservation
for land
under
navigable
waters

- (2) Item 2 of subsection 1 does not apply to a lease of the mining rights only.
- (3) The Minister may direct the inclusion of other reservations or provisions provided for in this Act or not inconsistent with the intent of this Act.

Where
item 2
does not
apply

Other
reservations

R.S.O. 1960,
c. 241,
amended

13. *The Mining Act* is amended by adding thereto the following section:

Surveys
under
annulments

108a. Where patents, leases, licences or other instruments of title have been issued under this Act for any land or mining rights affected by an annulment under subsection 1 of section 10 of *The Public Lands Act*, the Deputy Minister, whether or not the land has been registered under *The Land Titles Act* or *The Registry Act*, may cause such instrument of title to be cancelled and an instrument containing a revised description of the land or mining rights to be issued in its stead, and the corrected instrument shall relate back to the date of the one so cancelled and has the same effect as if issued on the date of the cancelled instrument.

R.S.O. 1960,
cc. 324,
204, 348

R.S.O. 1960,
c. 241, s. 115,
re-enacted

14. Section 115 of *The Mining Act* is repealed and the following substituted therefor:

Regulations
for boring
permits

115. Notwithstanding anything in sections 113 and 114, the Minister, with the approval of the Lieutenant Governor in Council, may make such regulations as he thinks fit respecting the issue of boring permits authorizing the holders thereof to prospect for petroleum or natural gas in that part of Ontario lying north of the fifty-first parallel of latitude and predominately underlain with paleozoic rock formations and for the issue of leases upon such terms as the Minister sees fit.

R.S.O. 1960,
c. 241,
amended

15. *The Mining Act* is amended by adding thereto the following Part:

PART VI

EXPLORATORY LICENCES AND PRODUCTION LEASES IN PALEOZOIC ROCK FORMATIONS

Regulations
for map
staking

117a. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations respecting licences to explore for and leases to mine minerals in designated areas in that part of Ontario lying north of the fifty-first parallel of latitude and predominately underlain with paleozoic rock formations.

R.S.O. 1960,
c. 241, s. 129,
amended

16. Section 129 of *The Mining Act* is amended by adding thereto the following subsection:

- (2) Subsection 1 does not apply to cancellations or forfeitures provided for in this Act or in the patent. Where cancellations permitted

17. Subsection 6 of section 134 of *The Mining Act*, as enacted by section 38 of *The Mining Amendment Act, 1962-63*, is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960, c. 241, s. 134, subs. 6 (1962-63, c. 84, s. 38), amended

- (*d*) to replace missing corner posts and witness posts and to affix tags to such posts,

18. *The Mining Act* is amended by adding thereto the following section: R.S.O. 1960, c. 241, amended

679. Where under this Part or section 106, 655 or 656 a dominant tenement reverts to and becomes vested in the Crown, any easement appurtenant thereto passes to the Crown, and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected. Lands and easements revert to Crown

19. Item 4 of the Schedule to *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, Sched., item 4, re-enacted

4. For recording each mining claim staked out by a licensee..... \$10.00

20. This Act comes into force on the day it receives Royal Assent. Commencement

21. This Act may be cited as *The Mining Amendment Act, 1967*. Short title

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

May 8th, 1967

MR. WARDROPE

BILL 88

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to reform and make uniform the Law regarding Security Interests in Personal Property and Fixtures

MR. WISHART

EXPLANATORY NOTE

This Bill was introduced and given First Reading at the 1966 Session of the Legislature in order that it might have wide distribution in convenient form for study by persons and organizations interested.

The purpose of the Bill is to reform and make uniform the law regarding security interests in personal property and fixtures. This is the field of commercial transactions now covered in Ontario by *The Bills of Sale and Chattel Mortgages Act* and *The Conditional Sales Act* and in all the large commercial states of the United States by the Uniform Commercial Code upon which this Bill is based.

The Bill was originally developed by a committee under the chairmanship of Fred M. Catzman, Q.C., and approved in principle by the Canadian Bar Association and the Attorney General's Committee on the Administration of Justice. Later it was given intensive study by the Ontario Law Reform Commission and was the subject of Report No. 3, dated May 28, 1965, and of Report No. 3A, dated May 18, 1966, of the Commission.

It is proposed to bring the administrative provisions of the new Act into force on Royal Assent so that the registration system may be set up as soon as possible. When the system is in operation, a three-year transitional period will commence during which documents will be registered as at present but will also be recorded in the central office under the new system. Thus at the end of the three-year period the central office will have a record of all unexpired registrations and the transitional period can be brought to an end by proclaiming the remaining sections of the new Act in force and repealing the supplanted legislation.

Provisions are made in the complementary Bills to enable the various types of transactions to be covered by the new Act to be phased into the new central registration system whenever it is practicable to do so.

Further consideration is being given to the feasibility of extending the scope of the new Act to cover instruments that are now required to be filed under *The Corporation Securities Registration Act*.

Consideration is also being given to the extension of the registration system under the new Act so as to eventually include documents of all types now registered in the offices of the clerks of the county and district courts by the amendment of the relevant legislation.

See also Bill 90, An Act to amend and to repeal *The Assignment of Book Debts Act*, Bill 93, An Act respecting *Bills of Sale*, Bill 92, An Act to amend and to repeal *The Bills of Sale and Chattel Mortgages Act*, Bill 91, An Act to amend and to repeal *The Conditional Sales Act*, Bill 89, An Act to amend *The Sale of Goods Act*.

BILL 88

1967

**An Act to reform and make uniform the
Law regarding Security Interests in
Personal Property and Fixtures**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "accessions" means goods that are installed in or affixed to other goods;
- (b) "account debtor" means a person who is obligated on chattel paper or on an intangible;
- (c) "chattel paper" means one or more than one writing that expresses both a monetary obligation and a security interest in specific goods;
- (d) "collateral" means property that is subject to a security interest;
- (e) "consumer goods" means goods that are used or acquired for use primarily for personal, family or household purposes;
- (f) "creditor" includes an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver, and an executor, administrator or committee;
- (g) "debtor" means a person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes an assignor of book debts and an assignee of the debtor's interest in the collateral referred to in subsection 1 of section 49, or such one or more of them as the context requires;

- (h) "default" means the failure to pay or otherwise perform the obligation secured when due or the occurrence of any event whereupon under the terms of the security agreement the security becomes enforceable;
- (i) "document of title" means any writing that purports to be issued by or addressed to a bailee and purports to cover such goods in the bailee's possession as are identified or fungible portions of an identified mass, and that in the ordinary course of business is treated as establishing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers;
- (j) "equipment" means goods that are not inventory or consumer goods;
- (k) "goods" means all chattels personal, other than choses in action and money, and includes emblements and industrial growing crops, and oil, gas and other minerals to be extracted, and timber to be cut, and goods are either consumer goods, equipment or inventory;
- (l) "instrument" means a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada), or any other writing that evidences a right to the payment of money and is of a type that in the ordinary course of business is transferred by delivery with any necessary endorsement or assignment, but does not include a writing that constitutes part of chattel paper, a document of title or securities;
- (m) "intangible" means all personal property, including choses in action, that is not goods, chattel paper, documents of title, instruments or securities;
- (n) "inventory" means goods that are held by a person for sale or lease, or that are to be furnished or have been furnished under a contract of service, or that are raw materials, work in process or materials used or consumed in a business or profession;
- (o) "judge" means a judge of a county or district court;
- (p) "notify" means to take such steps as are reasonably required to give information to the person to be notified so that,

(i) it comes to his attention, or

- (ii) it is directed to such person at his customary address or at his place of residence, or at such other place as is designated by him over his signature,

and "notification" has a corresponding meaning;

- (q) "prescribed" means prescribed by the regulations;
- (r) "proceeds" means personal property in any form or fixtures derived directly or indirectly from any dealing with collateral or proceeds or that indemnifies or compensates for collateral destroyed or damaged;
- (s) "purchase-money security interest" means a security interest that is,
 - (i) taken or reserved by the seller of the collateral to secure payment of all or part of its price, or
 - (ii) taken by a person who gives value that enables the debtor to acquire rights in or the use of the collateral, if such value is applied to acquire such rights;
- (t) "registrar" means the registrar of personal property security;
- (u) "regulations" means the regulations made under this Act;
- (v) "secured party" means a person who has a security interest;
- (w) "securities" means shares, stock, warrants, bonds, debentures, debenture stock or the like issued by a corporation or other person, or a partnership, association or government;
- (x) "security agreement" means an agreement that creates or provides for a security interest;
- (y) "security interest" means an interest in goods, other than building materials that have been affixed to the realty, fixtures, documents of title, instruments, securities, chattel papers or intangibles that secures payment or performance of an obligation, and includes an interest arising from an assignment of book debts;
- (z) "value" means any consideration sufficient to support a simple contract.

PART I

GENERAL

Application
of Act

2. Subject to subsection 1 of section 3, this Act applies,

- (a) to every transaction without regard to its form and without regard to the person who has title to the collateral that in substance creates a security interest, including, without limiting the foregoing,
 - (i) a chattel mortgage, conditional sale, equipment trust, floating charge, pledge, trust deed or trust receipt, and
 - (ii) an assignment, lease or consignment intended as security; and
- (b) to every assignment of book debts not intended as security, but not to an assignment for the general benefit of creditors to which *The Assignments and Preferences Act* applies.

R.S.O. 1960,
c. 25

Where Act
does not
apply

3.—(1) This Act does not apply,

- (a) to a lien given by statute or rule of law, except as provided in section 32, clause *b* of subsection 3 of section 36, and clause *b* of subsection 2 of section 37;
- (b) to a transfer of an interest or claim in or under any policy of insurance or contract of annuity;
- (c) to a mortgage, charge or assignment whose registration is provided for in *The Corporation Securities Registration Act*; or
- (d) to a transaction under *The Pawnbrokers Act, 1966*.

R.S.O. 1960,
c. 70

1966, c. 111

Rights
under
R.S.O. 1960,
c. 358,
not
affected

(2) The rights of buyers and sellers under subsection 2 of section 20 and sections 39, 40, 41 and 43 of *The Sale of Goods Act* are not affected by this Act.

Errors,
omissions,
etc.

4. A document to which this Act applies is not invalidated nor shall its effect be destroyed by reason only of a defect, irregularity, omission or error therein or in the execution thereof unless, in the opinion of the judge or court, the defect, irregularity, omission or error is shown to have actually misled some person whose interests are affected by the document.

Conflict
of laws

5.—(1) If the office where the assignor of intangibles that are accounts receivable or contract rights keeps the records concerning them is in Ontario, the validity and perfection of a security interest therein and the possibility and effect of proper registration are governed by this Act, otherwise by the law,

including the conflict of laws rules, of the jurisdiction where such office is located.

(2) Where the chief place of business of a debtor is in ^{Idem} Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles, other than accounts receivable or contract rights, or with regard to goods of a type that are normally used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by this Act, otherwise by the law, including the conflict of laws rules, of the jurisdiction where such chief place of business is located.

(3) If a jurisdiction does not provide, by registration or ^{Idem} recording in such jurisdiction, for perfection of a security interest of the kind referred to in subsection 1 or 2, the security interest may be perfected by registration in Ontario.

6.—(1) Where personal property, other than that governed by subsection 1 or 2 of section 5, was already subject to a security interest when it was brought into Ontario, the validity of the security interest in Ontario is to be determined by the law, including the conflict of laws rules, of the jurisdiction where the property was when the security interest attached. ^{Conflict of laws, continued}

(2) Where goods brought into Ontario are subject to the seller's right to revendicate or to resume possession of the goods, unless the seller registers a caution in the prescribed form within twenty days after the day on which the goods were brought into Ontario, such right is unenforceable in Ontario thereafter. ^{Right of revendication}

7.—(1) A security interest in collateral already perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario continues perfected in Ontario for four months and also thereafter if within the four-month period it is perfected in Ontario. ^{Conflict of laws, continued}

(2) Notwithstanding subsection 1, where the secured party ^{Idem} receives notice within the four-month period mentioned therein that the collateral has been brought into Ontario, his security interest in the collateral ceases to be perfected in Ontario unless he registers the security agreement covering the collateral within fifteen days from the date that he receives such notice or upon the expiration of the four-month period, whichever is earlier.

(3) A security interest that has ceased to be perfected in ^{Idem} Ontario due to the expiration of the four-month period may thereafter be perfected in Ontario, but such perfection takes effect from the time of its perfection in Ontario.

Conflict
of laws,
concluded

8. Where a security interest was not perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario, it may be perfected in Ontario within fifteen days from the date the collateral is brought into Ontario, in which case perfection dates from the time of perfection in Ontario.

PART II

VALIDITY OF SECURITY AGREEMENTS AND RIGHTS OF PARTIES

Effectiveness
of security
agreement

9. Except as otherwise provided by this or any other Act, a security agreement is effective according to its terms between the parties to it and against third parties.

Enforce-
ability of
security
interest

10. A security interest is not enforceable by or against a third party unless,

- (a) the collateral is in the possession of the secured party; or
- (b) the debtor has signed a security agreement that contains a description of the collateral and, if the collateral is or includes fixtures or crops, or oil, gas or other minerals to be extracted, or timber to be cut, a description of the land concerned.

Delivery of
copy of
agreement

11. Where a security interest is created or provided for by a security agreement, the secured party shall deliver a copy of the security agreement to the debtor within ten days after the execution thereof, and, if he fails to do so after a request by the debtor, a judge may on summary application by the debtor make an order for the delivery of such a copy to the debtor and may make such order as to costs as he deems just.

When
security
interest
attaches

12.—(1) A security interest attaches when,

- (a) the parties intend it to attach;
- (b) value is given; and
- (c) the debtor has rights in the collateral.

Idem

(2) For the purpose of subsection 1, the debtor has no rights in,

- (a) crops until they become growing crops;
- (b) fish until they are caught;

(c) oil, gas or other minerals until they are extracted; or

(d) timber until it is cut.

13.—(1) Except as provided in subsection 2, a security agreement may cover after-acquired property and the young of animals after conception. After-acquired property, etc.

(2) No security interest attaches under an after-acquired property clause in a security agreement, Exception

(a) to crops that become such more than one year after the security agreement has been executed, except that a security interest in crops that is given in conjunction with a lease, purchase or mortgage of land may, if so agreed, attach to crops to be grown on the land concerned during the term of such lease, purchase or mortgage; or

(b) to consumer goods, other than accessions, unless the debtor acquires rights in them within ten days after the secured party gives value.

14. A purchase-money security interest in consumer goods does not attach to any collateral other than such consumer goods. Limitation on coverage

15. A security agreement may secure future advances or other value whether or not the advances or other value are given pursuant to commitment. Future advances

16. Except as to consumer goods, an agreement by a debtor not to assert against an assignee any claim or defence that he has against his seller or lessor is enforceable by the assignee who takes the assignment for value, in good faith and without notice, except as to such defences as may be asserted against the holder in due course of a negotiable instrument under the *Bills of Exchange Act* (Canada). Agreement not to assert defence against assignee

R.S.C. 1952, c. 15

17. Where a seller retains a purchase-money security interest in goods, Seller's warranties

(a) *The Sale of Goods Act* governs the sale and any disclaimer, limitation or modification of the seller's conditions and warranties; and R.S.O. 1960, c. 358

(b) except as provided in section 16, the conditions and warranties in a sale agreement shall not be affected by any security agreement.

**Provision to
accelerate**

18. Where a security agreement provides that the secured party may accelerate payment or performance when he deems himself insecure, such provision shall be construed to mean that he has power to do so only if he in good faith believes that the prospect of payment or performance is impaired.

**Care of
collateral**

19.—(1) A secured party shall use reasonable care in the custody and preservation of collateral in his possession, and, unless otherwise agreed, in the case of an instrument or chattel paper, reasonable care includes taking necessary steps to preserve rights against prior parties.

**Idem,
rights and
duties of
secured
party**

(2) Unless otherwise agreed, where collateral is in the secured party's possession,

- (a) reasonable expenses, including the cost of insurance and payment of taxes or other charges incurred in the custody and preservation of the collateral, are chargeable to the debtor and are secured by the collateral;
- (b) the risk of loss or damage, except where caused by the negligence of the secured party, is on the debtor to the extent of any deficiency in any insurance coverage;
- (c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, and money so received, unless remitted to the debtor, shall be applied forthwith upon its receipt in reduction of the secured obligation;
- (d) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and
- (e) the secured party may create a security interest in the collateral upon terms that do not impair the debtor's right to redeem it.

**Liability
for loss**

(3) A secured party is liable for any loss or damage caused by his failure to meet any obligations imposed by subsection 1 or 2, but does not lose his security interest.

**Use of
collateral**

(4) A secured party may use the collateral,

- (a) in the manner and to the extent provided in the security agreement;

(b) for the purpose of preserving the collateral or its value; or

(c) pursuant to an order of,

(i) the court before which a question relating thereto is being heard, or

(ii) a judge upon application by originating notice to all persons concerned.

(5) A secured party,

Idem

(a) is liable for any loss or damage caused by his use of the collateral otherwise than as authorized by subsection 4; and

(b) is subject to being ordered or restrained as provided in subsection 1 of section 62.

20.—(1) A debtor or a person having an interest in the collateral or an execution creditor may, by a notice in writing, require the secured party to furnish him with a statement in writing, Statements
of account

(a) of the amount of the indebtedness and of the terms of payment thereof as of the date specified in the notice;

(b) approving or correcting as of the date specified in the notice a statement of the collateral attached to the notice; and

(c) approving or correcting as of the date specified in the notice a statement of the amount of the indebtedness and of the terms of payment thereof,

or any one or two of them.

(2) In the case of clause *b* of subsection 1, if the secured party claims a security interest in all of a particular type of collateral owned by the debtor, he may so indicate in lieu of approving or correcting the itemized list of such collateral contained in the statement of the collateral and attached to the notice. *Idem*

(3) The secured party shall answer a notice given under subsection 1 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person. Time for
compliance
with notice,
liability
for failure
to answer

Successors
in interest

(4) Where the person receiving a notice under subsection 1 no longer has an interest in the obligation or collateral, he shall, within fifteen days after he receives the notice, disclose the name and address of the latest successor in interest known to him, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person.

Idem

(5) A successor in interest shall be deemed to be the secured party for the purposes of this section when he receives a notice under subsection 1.

♦ PART III

PERFECTION OF INTEREST

Time when
perfected

21. A security interest is perfected when,

- (a) it has attached; and
- (b) all steps required for perfection under any provision of this Act have been completed,

regardless of the order of occurrence.

Where
unperfected
security
interest
subordinate

22.—(1) Except as provided in subsection 3, an unperfected security interest is subordinate to,

- (a) the interest of a person,
 - (i) who is entitled to a priority under this or any other Act, or
 - (ii) who, without knowledge of the security interest and before it is perfected, assumes control of the collateral through legal process, or
 - (iii) who represents the creditors of the debtor as assignee for the benefit of creditors, trustee in bankruptcy or receiver; and
- (b) the interest of a transferee who is not a secured party to the extent that he gives value without knowledge of the security interest and before it is perfected,
 - (i) of chattel paper, documents of title, securities, instruments or goods in bulk or otherwise, not in the ordinary course of the business of the transferor and where the transferee receives delivery of the collateral, or
 - (ii) of intangibles.

(2) The rights of a person under subclause iii of clause *a* ^{Idem} of subsection 1 in respect of the collateral are referable to the date from which his status has effect and arise without regard to the personal knowledge of the representative if any represented creditor was, on the relevant date, without knowledge of the unperfected security interest.

(3) A purchase-money security interest that is registered ^{Purchase-money security interest} before or within ten days after the debtor's possession of the collateral commences has priority over,

- (a) interest set out in subclause ii or iii of clause *a* of subsection 1; and
- (b) transfers in bulk or otherwise, not in the ordinary course of business, occurring between the security interest's attaching and its being registered.

23.—(1) If a security interest is originally perfected in ^{Continuity of perfection} any way permitted under this Act and is again perfected in some way under this Act without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Act.

(2) An assignee of a security interest succeeds in so far as ^{Assignees} its perfection is concerned to the position of the assignor at the time of the assignment.

24. Except as provided in section 26, possession of the ^{Perfection by possession} collateral by the secured party, or on his behalf by a person other than the debtor or the debtor's agent, perfects a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) instruments;
- (d) securities;
- (e) letters of credit and advices of credit; or
- (f) negotiable documents of title,

but, subject to section 23, only during its actual holding as collateral.

25.—(1) Subject to section 21, registration perfects a ^{Perfection by registration} security interest in,

- (a) chattel paper;
- (b) goods;
- (c) intangibles; or
- (d) documents of title.

Idem

(2) A security interest is not perfected until it is registered, except in the case of a security interest,

- (a) in collateral in possession of the secured party under section 24; or
- (b) temporarily perfected in instruments, securities or negotiable documents of title under section 26.

Temporary perfection

26.—(1) A security interest in instruments, securities or negotiable documents of title is a perfected security interest for the first ten days after it attaches to the extent that it arises for new value given under a registered security agreement.

Idem

(2) A perfected security interest in,

- (a) an instrument that a secured party delivers to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) presentation, collection or renewal, or
 - (iii) registration of transfer; or
- (b) a negotiable document of title or goods held by a bailee that are not covered by a negotiable document of title, which document of title or goods the secured party makes available to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) loading, unloading, storing, shipping or transshipping, or
 - (iii) manufacturing, processing, packaging or otherwise dealing with goods in a manner preliminary to their sale or exchange,

remains perfected for the first ten days after the collateral comes under the control of the debtor.

(3) Beyond the period of ten days referred to in subsection 1 *Idem* or 2, a security interest under this section becomes subject to the provisions of this Act for perfecting a security interest.

27.—(1) Subject to this Act, a security interest in collateral that is dealt with so as to give rise to proceeds, ^{Perfecting as to proceeds}

- (a) continues as to the collateral, unless the secured party expressly or impliedly authorized such dealing; and
- (b) extends to the proceeds.

(2) Where a security interest in collateral was a perfected *Idem* security interest at the time of the dealing,

- (a) the security interest under clause *a* of subsection 1 is perfected in so far as sections 23, 24 and 25 are satisfied; and
- (b) the security interest under clause *b* of subsection 1 becomes unperfected ten days thereafter unless expressly covered by a security agreement relating to the original collateral that was at the time of dealing perfected by registration, but there is no perfected security interest in proceeds that are not identifiable or traceable.

28.—(1) A security interest in goods in the possession of a bailee who has issued a negotiable document of title covering them is perfected by perfecting a security interest in the document, and any security interest in them otherwise perfected while they are so covered is subject thereto. ^{Perfecting as to goods held by bailee}

(2) A security interest in goods in the possession of a bailee, *Idem* other than a bailee mentioned in subsection 1, is perfected by,

- (a) issuance of a document of title in the name of the secured party;
- (b) a holding on behalf of the secured party pursuant to section 24; or
- (c) registration as to the goods.

29.—(1) A security interest in goods that are the subject of a sale or exchange and that are returned to, or repossessed by, ^{Goods returned or repossessed}

- (a) the person who sold or exchanged them; or
- (b) a transferee of an intangible or chattel paper resulting from the sale of them,

re-attaches to the extent that the secured indebtedness remains unpaid.

Idem

(2) Where the security interest was perfected by a registration that is still effective at the time of the sale or exchange, it re-attaches as a perfected interest, but otherwise requires for its perfection a registration or a taking of possession by the secured party.

Transferees

(3) A transferee of,

(a) an intangible resulting from a sale; or

(b) except as otherwise provided in section 30, chattel paper resulting from a sale,

has, as against the transferor, a security interest that is,

(c) subordinate to a security interest under subsection 1 that was a perfected interest when the goods became the subject of the sale or exchange; and

(d) otherwise subject to section 35.

Idem

(4) A transferee of an intangible or chattel paper resulting from a sale is, with respect to persons asserting interests in the goods under provisions other than subsections 1, 2 and 3, subject to the provisions of this Act for perfecting a security interest.

Effect of perfection on purchasers of goods in ordinary course of business

30.—(1) A purchaser of goods from a seller who sells the goods in the ordinary course of business takes them free from any security interest therein given by his seller even though it is perfected and the purchaser actually knows of it.

Idem, purchasers of chattel paper

(2) A purchaser of chattel paper who takes possession of it in the ordinary course of his business has, to the extent that he gives new value, priority over any other security interest in it,

(a) that was perfected under section 25 if he did not actually know at the time he took possession that the chattel paper was subject to a security interest; or

(b) that has attached to proceeds of inventory under section 27, whatever the extent of his knowledge.

Idem, purchasers of non-negotiable instruments

(3) A purchaser of a non-negotiable instrument who takes possession of it in the ordinary course of his business has priority to the extent that he gives new value over a security interest in it that was perfected under section 26 if he did

not actually know at the time he took possession that the instrument was subject to a security interest.

31.—(1) The rights of,

- (a) a holder in due course of a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada); *Bona fide purchasers of negotiable instruments, etc.*
R.S.C. 1952, c. 15
- (b) a holder of a negotiable document of title who takes it in good faith for value; or
- (c) a *bona fide* purchaser of securities,

are to be determined without regard to this Act.

(2) Registration under this Act is not such notice as to affect the rights of persons mentioned in subsection 1. Idem

32. Where a person in the ordinary course of business furnishes materials or services with respect to goods in his possession that are subject to a security interest, any lien that he has in respect of such materials or services has priority over a perfected security interest unless the lien is given by an Act that does not provide that the lien has such priority. Priority of liens for materials and services

33. The rights of a debtor in collateral may be transferred voluntarily or involuntarily notwithstanding a provision in the security agreement prohibiting transfer or declaring a transfer to be a default, but no transfer prejudices the rights of the secured party under the security agreement or otherwise. Alienation of rights of debtors

34.—(1) A perfected security interest in crops or their proceeds given for a consideration to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise has priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving the consideration knew of the earlier security interest. Special priorities, crops

(2) A purchase-money security interest in inventory or its proceeds has priority over any other security interest in the same collateral, Idem, purchase-money security interests, inventory

- (a) if the purchase-money security interest was perfected at the time the debtor received possession of the collateral; and

- (b) if any secured party, whose security interest was actually known to the holder of the purchase-money security interest or who, prior to the registration by the holder of the purchase-money security interest, had registered a security agreement covering the same items or type of inventory, had received notification of the purchase-money security interest before the debtor received possession of the collateral covered by the purchase-money security interest; and
- (c) if such notification states that the person giving the notice had or expected to acquire a purchase-money security interest in inventory of the debtor, describing such inventory by item or type.

Idem,
purchase-
money
security
interests,
other than
inventory

(3) A purchase-money security interest in collateral or its proceeds, other than inventory, has priority over any other security interest in the same collateral if the purchase-money security interest was perfected at the time the debtor obtained possession of the collateral or within ten days thereafter.

Priorities,
general rule

35.—(1) If no other provision of this Act is applicable, priority between security interests in the same collateral shall be determined,

- (a) by the order of registration, if the security interests have been perfected by registration;
- (b) by the order of perfection, unless the security interests have been perfected by registration; or
- (c) by the order of attachment under subsection 1 of section 12, if no security interest has been perfected.

Idem

(2) For the purposes of subsection 1, a continuously perfected security interest shall be treated at all times as if perfected by registration, if it was originally so perfected, and it shall be treated at all times as if perfected otherwise than by registration if it was originally perfected otherwise than by registration.

Priority
of security
interests,
fixtures

36.—(1) Subject to subsection 3 of this section and notwithstanding subsection 3 of section 34, a security interest that attached to goods before they became fixtures has priority as to the goods over the claim of any person who has an interest in the real property.

Idem

(2) Subject to subsection 3, a security interest that attached to goods after they became fixtures has priority over the claim of any person who subsequently acquired an interest in the

real property, but not over any person who had a registered interest in the real property at the time the security interest attached to the goods and who has not consented in writing to the security interest or disclaimed an interest in the goods as fixtures.

(3) The security interests referred to in subsections 1 and 2 ^{Exceptions} are subordinate to the interest of,

- (a) a subsequent purchaser or mortgagee for value of an interest in the real property;
- (b) a creditor with a lien on the real property subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior encumbrance of record on the real property in respect of subsequent advances,

if the subsequent purchase or mortgage was made or the lien was obtained or the subsequent advance under the prior encumbrance was made or contracted for, as the case may be, without actual notice of the security interest.

(4) If a secured party, by virtue of subsection 1 or 2 and subsection 3, has priority over the claim of a person having an interest in the real property, he may on default, subject to the provisions of this Act respecting default, ^{Removal of collateral} remove his collateral from the real property if, unless otherwise agreed, he reimburses any encumbrancer or owner of the real property who is not the debtor for the cost of repairing any physical injury excluding diminution in the value of the real property caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection.

(5) A person having an interest in real property that is subordinate to a security interest by virtue of subsection 1 or 2 and subsection 3 may, before the collateral has been removed from the real property by the secured party in accordance with subsection 4, ^{Retention of collateral} retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim.

37.—(1) Subject to subsection 2 and to section 38 and ^{Accessions} notwithstanding subsection 3 of section 34,

- (a) a security interest in an accession that attached before the goods became an accession has priority as to the accession over the claim of any person in respect of the whole; and
- (b) a security interest in goods that attached after the goods became an accession has priority over the claim of any person who subsequently acquired an interest in the whole, but not against a person who had an interest in the whole at the date of attachment of the security interest in the accession and who has not consented in writing to the security interest in the accession or disclaimed an interest in the accession as part of the whole.

Exceptions

(2) A security interest referred to in subsection 1 is subordinate to the interest of,

- (a) a subsequent purchaser for value of an interest in the whole; or
- (b) a creditor with a lien on the whole, subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances,

if the subsequent purchase was made, the lien was obtained or the subsequent advance under the prior perfected security interest was made or contracted for without notice of the security interest.

Removal of collateral

(3) If a secured party, by virtue of subsections 1 and 2, has an interest in an accession that has priority over the claim of any person having an interest in the whole, he may, on default, subject to the provisions of this Act respecting default, remove his collateral from the whole if, unless otherwise agreed, he reimburses any encumbrancer or owner of the whole who is not the debtor for the cost of repairing any physical injury excluding diminution in value of the whole caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection.

Retention of collateral

(4) A person having a security interest in the whole that is subordinate to a security interest by virtue of subsections 1 and 2 may, before the collateral has been removed

by the secured party in accordance with subsection 3, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim.

38. A perfected security interest in goods that subsequently become part of a product or mass continues in the product or mass if the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass, and, if more than one security interest attaches to the product or mass, the security interests rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass. ^{Commingled goods}

39. A secured party may, in the security agreement or otherwise, subordinate his security interest to any other security interest. ^{Priority subject to subordination}

40.—(1) Unless an account debtor has made an enforceable agreement not to assert defences or claims arising out of a sale as provided by section 16, the rights of an assignee are subject to, ^{Account debtors}

- (a) all the terms of the contract between the account debtor and the assignor and any defence or claim arising therefrom; and
- (b) any other defence or claim of the account debtor against the assignor that accrued before the account debtor received notice of the assignment.

(2) The account debtor may pay the assignor until the account debtor receives notice, reasonably identifiable with the relevant rights, that the account has been assigned, and, if requested by the account debtor, the assignee shall furnish proof within a reasonable time that the assignment has been made, and, if he does not do so, the account debtor may pay the assignor. ^{Idem}

PART IV

REGISTRATION

41.—(1) A registration system, including a central office and branch offices, shall be established for the purposes of this Act. ^{Registration system}

(2) The central office of the registration system shall be located at or near the City of Toronto. ^{Central office}

Branch
offices

(3) Branch offices of the registration system shall be established at such places as are designated by the regulations.

Registrar,
appointment

42.—(1) There shall be a registrar of personal property security and a branch registrar for each branch office.

function

(2) It shall be the function of the registrar, under the direction of the Inspector of Legal Offices, to supervise the operation of the registration system established for the purposes of this Act.

seal of
office

(3) The registrar and each branch registrar shall have a seal of office in such form as the Lieutenant Governor in Council approves.

Signing
officers

43. The registrar and each branch registrar may designate one or more persons on the staff of his office to act on his behalf.

Registrar's
certificate

44.—(1) Upon the request of any person and upon payment of the prescribed fee,

- (a) the registrar shall issue a certificate stating whether there is registered at the time mentioned in the certificate a security agreement or other document in which the person named in the certificate is shown as a debtor and, if there is, the registration number of it, and any other information recorded in the central office of the registration system;
- (b) any registered security agreement or other document shall be provided for inspection at the branch office where it was registered; and
- (c) a certified copy of any security agreement or other document shall be furnished at the branch office where it was registered.

Proof of
certificates

(2) A certificate issued under clause *a* of subsection 1 is *prima facie* evidence of the contents thereof.

Proof of
certified
copies

(3) A certified copy furnished under clause *c* of subsection 1 is *prima facie* evidence of the contents of the document so certified.

Assurance
Fund

45.—(1) There shall be an account in the Consolidated Revenue Fund to be known as "The Personal Property Security Assurance Fund", referred to in this section as "the Fund", into which shall be paid the prescribed portion of the fees received under this Act.

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year. ^{Interest}

(3) Any person who suffers loss or damage as a result of his reliance upon a certificate of the registrar issued under section 45 that is incorrect because of an error or omission in the operation of the system of registration, recording, and production of information under this Part, is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he makes a claim therefor under subsection 4 within one year from the time of his having suffered the loss or damage. ^{Persons suffering damage to be compensated}

(4) A person claiming to be entitled to payment of compensation out of the Fund shall make application therefor in writing to the registrar, setting out therein his full name and address and the particulars of his claim. ^{Claim for compensation}

(5) The registrar shall refer the application to the Master of the Supreme Court who shall issue such directions as he thinks proper, hold a hearing, determine the claimant's entitlement to compensation, the amount thereof, and, if awarded, the costs of the proceedings. ^{Reference to Master}

(6) The Master shall make his findings and embody his conclusions in the form of a certificate and send by registered mail one copy thereof to the claimant at the address shown in the application and one copy to the registrar. ^{Master's certificate}

(7) The certificate of the Master shall be deemed to be confirmed at the expiration of thirty days from the date of mailing it to the claimant, unless notice of appeal is served within that time. ^{Confirmation of certificate}

(8) The claimant or the registrar may appeal to the Court of Appeal at any time before the certificate of the Master is confirmed, and the procedure thereon shall be the same as upon an appeal from a report when a whole action has been referred under section 69 of *The Judicature Act*. ^{Appeal}

R.S.O. 1960,
c. 197

(9) When the registrar receives a certificate of the Master under subsection 6 and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the registrar shall certify to the Treasurer of Ontario the sum found to be payable, including any costs awarded to the claimant, and the Treasurer shall pay such sum to the claimant out of the Fund. ^{Payment out of Fund}

Where documents to be registered, effective time of registration

46. Documents to be registered under this Act shall be tendered for registration at any branch office established under subsection 3 of section 41, but registration is effective only from the time of the recording of the prescribed particulars thereof in the central office and the assignment thereto of a registration number.

What is to be registered

47.—(1) In order to register under this Act for the purpose of perfecting a security interest, the security agreement or a copy thereof signed by the debtor shall, subject to subsection 2, be registered, and it shall contain and legibly set forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party;
- (c) the date of execution of the security agreement;
- (d) a description of the collateral sufficient to identify it; and
- (e) the terms and conditions of the security agreement.

Exceptions

(2) Where the collateral was subject to a security interest in another jurisdiction at the time the collateral was brought into Ontario or where it is desired to perfect a security interest in the proceeds of collateral included in an already perfected security interest, the secured party may register a copy of the security agreement signed by the debtor or a caution in the prescribed form.

What constitutes registration

(3) Registration of a copy signed by the debtor or a caution under this section constitutes registration of the security agreement for the purposes of this Act.

Time limit on registration

(4) Where the collateral is other than instruments, securities, letters of credit, advices of credit or negotiable documents of title, the security agreement shall not be registered after fifteen days from the date of its execution.

Defects and irregularities

(5) An error of a clerical nature or in an immaterial or non-essential part of a security agreement that does not mislead does not invalidate the registration or destroy the effect of the registration.

Assignments

48.—(1) An assignment, or a copy thereof signed by the secured party of record, of a security agreement may also be registered, if the security agreement has been registered under this Act previous to the registration of the assignment, if the assignment contains and legibly sets forth at least,

- (a) the full name and address of the debtor;

(b) the full name and address of the secured party of record;

(c) the full name and address of the assignee; and

(d) the registration number given at the time of the registration of the security agreement or, if the assignment is presented for registration at the same time as the security agreement, the registration number of the security agreement that is then endorsed thereon.

(2) Upon the registration of an assignment or a copy thereof ^{Idem} under subsection 1, the assignee becomes the secured party of record.

49.—(1) Where a security interest has been perfected by registration and the debtor with the consent of the secured party assigns his interest in the collateral, the assignee becomes a debtor and the security interest becomes unperfected unless the secured party registers a notice in the prescribed form within fifteen days of the time he consents to the assignment. ^{Assignment of collateral}

(2) Where a security interest has been perfected by registration and the secured party learns that the debtor has assigned his interest in the collateral, the security interest becomes unperfected fifteen days after the secured party learns of the assignment and the name and address of the assignee, unless he registers a notice in the prescribed form within such fifteen days. ^{Where security interest becomes unperfected}

(3) A security interest that becomes unperfected under subsection 1 or 2 may thereafter be perfected by registering a notice in the prescribed form or as otherwise provided by this Act. ^{Second registration}

50. An amendment, or a copy thereof, of a security agreement registered under this Act that refers to the registration number of the security agreement that it amends and that is signed by the secured party of record and by the debtor may be registered at any time during the period that the registration of the security agreement is effective. ^{Amendments}

51. A separate agreement signed by the secured party of record that provides for the subordination of a security interest created or provided for by a security agreement registered under this Act and that refers to the registration number of the security agreement may be registered at any time during the period that the registration of the security agreement is effective. ^{Subordination}

52. A renewal statement in the prescribed form that is signed by the secured party of record may be registered at any time. ^{Renewal statements}

Effect of
registration

53.—(1) Where the collateral covered by security agreement is other than instruments, securities, letters of credit, advices of credit or negotiable documents of title, registration under this Act,

- (a) of a security agreement constitutes notice thereof to all persons claiming any interest in such collateral during the period of three years following such registration;
- (b) of a renewal statement constitutes notice of the security agreement to which it relates to all persons claiming any interest in such collateral during the period of three years following such registration; and
- (c) of any other document constitutes notice thereof to all persons claiming any interest in such collateral during the remainder of the period for which the registration of the security agreement is effective.

Fixtures

R.S.O. 1960,
cc. 204, 348

(2) Where the collateral is or includes fixtures or goods that may become fixtures, or crops, or oil, gas or other minerals to be extracted, or timber to be cut, the security agreement or any other document that may be registered under this Act containing a description of the land affected sufficient for registration under *The Land Titles Act* or *The Registry Act*, as the case may be, may, whether or not it is registered under this Act, be registered under *The Land Titles Act* or *The Registry Act*.

Discharge of
security
agreement

54.—(1) Upon performance of all obligations under a security agreement, it shall be discharged, and, upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge in the prescribed form together with unregistered assignments, if any, of the security agreement.

Release of
part of
collateral

(2) Where it is agreed to release part of the collateral upon payment or performance of certain of the obligations under a security agreement, then, upon payment or performance of such obligations and upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a release in the prescribed form of the collateral as agreed.

(3) Where the secured party, without reasonable excuse, ^{Failure to deliver} fails to deliver the required discharge and assignments or release, as the case may be, within ten days after receipt of a demand therefor under subsection 1 or 2, he shall pay \$100 to the person making the demand and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

(4) Upon application to the county or district court by ^{Security or payment into court} originating notice to all persons concerned, the judge may,

(a) allow security for or payment into court of the amount claimed by the secured party and such costs as he may fix, and thereupon order that the registration of the security agreement be discharged or that a release of collateral be registered, as the case may be; or

(b) order upon any ground he deems proper that the registration of the security agreement be discharged or that a release of collateral be registered, as the case may be.

(5) Any discharge of a security agreement and any release ^{Registration of discharges and releases} of collateral may be registered under this Act.

PART V

DEFAULT—RIGHTS AND REMEDIES

55.—(1) The rights and remedies referred to in this Part ^{Rights and remedies cumulative} are cumulative.

(2) Where the debtor is in default under a security agreement, the secured party has, in addition to any other rights ^{Secured party's rights and remedies} and remedies, the rights and remedies provided in the security agreement except as limited by subsection 5, the rights and remedies provided in this Part and, when in possession, the rights, remedies and duties provided in section 19.

(3) The secured party may enforce the security interest by any method available in or permitted by law and, if the collateral is or includes documents of title, the secured party may proceed either as to the documents of title or as to the goods covered thereby, and any method of enforcement that is available with respect to the documents of title is also available, *mutatis mutandis*, with respect to the goods covered thereby.

Debtor's
rights and
remedies

(4) Where the debtor is in default under a security agreement, he has, in addition to the rights and remedies provided in the security agreement and any other rights and remedies, the rights and remedies provided in this Part and in section 20.

Waiver and
variation
of rights
and duties

(5) Except as provided in sections 60 and 61, the provisions of subsections 3, 4 and 5 of section 58 and of sections 59, 60, 61 and 62, to the extent that they give rights to the debtor and impose duties upon the secured party, shall not be waived or varied, but the parties may by agreement determine the standards by which the rights of the debtor and the duties of the secured party are to be measured, so long as such standards are not manifestly unreasonable having regard to the nature of such rights and duties.

Where
agreement
covers both
real and
personal
property

(6) Where a security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property, in which case this Part does not apply.

No merger
in judgment

(7) A security interest does not merge merely because a secured party has reduced his claim to judgment.

Collection
rights of
secured
party

56.—(1) Where so agreed and in any event upon default under a security agreement, a secured party is entitled,

- (a) to notify any account debtor or any obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral; and
- (b) to take control of any proceeds to which he is entitled under section 27.

Idem

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors on instruments shall proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections.

Secured
party's
right to
take possession upon
default

57. Upon default under a security agreement,

- (a) the secured party has, unless otherwise agreed, the right to take possession of the collateral by any method permitted by law;

- (b) if the collateral is equipment and the security interest has been perfected by registration, the secured party may, in a reasonable manner, render such equipment unusable without removal thereof from the debtor's premises, and the secured party shall thereupon be deemed to have taken possession of such equipment; and

- (c) the secured party may dispose of collateral under section 58 on the debtor's premises.

58.—(1) Upon default under a security agreement, the secured party may dispose of any of the collateral in its condition either before or after any commercially reasonable repair, processing or preparation for disposition, and the proceeds of the disposition shall be applied consecutively to,

Secured party's right to dispose of collateral upon default

- (a) the reasonable expenses of retaking, holding, repairing, processing, preparing for disposition and disposing of the collateral and, to the extent provided for in the security agreement and not prohibited by law, any other reasonable expenses incurred by the secured party;
- (b) the satisfaction of the obligation secured by the security interest of the party making the disposition; and
- (c) the satisfaction of any obligation secured by the subordinate security interest in the collateral if written demand therefor is received by the party making the disposition before the distribution of the proceeds is completed.

(2) Where a written demand under clause c of subsection 1 is received by the secured party, he may request the holder of the subordinate security interest to furnish him with reasonable proof of such holder's interest, and, unless such holder furnishes such proof within a reasonable time, the secured party need not comply with such demand.

Request for proof of interest

(3) Collateral may be disposed of in whole or in part, and any such disposition may be by public sale, private sale, lease or otherwise and, subject to subsection 5, may be made at any time and place and on any terms so long as every aspect of the disposition is commercially reasonable.

Methods of disposition

(4) The secured party may, subject to subsection 1 of section 60, retain the collateral in whole or in part for such period of time as is commercially reasonable.

Secured party's right to delay disposition of collateral

Secured
party to
give
notice of
disposition
of collateral

(5) Unless the collateral is perishable or unless the secured party believes on reasonable grounds that the collateral will decline speedily in value, the secured party shall give to the debtor and to any other person who has a security interest in the collateral and who has registered a security agreement under this Act indexed in the name of the debtor or who is known by the secured party to have a security interest in the collateral not less than fifteen days notice in writing containing,

- (a) a brief description of the collateral;
- (b) the amount required to satisfy the obligation secured by his security interest;
- (c) the amount of the applicable expenses referred to in clause *a* of subsection 1 or, in a case where the amount of such expenses has not been determined, his reasonable estimate thereof;
- (d) a statement that upon payment of the amounts due the debtor may redeem the collateral;
- (e) a statement that unless the amounts due are paid the collateral will be disposed of and the debtor may be liable for any deficiency; and
- (f) the date, time and place of any public sale or of the date after which any private disposition of the collateral is to be made.

Service of
notice

(6) The notice required by subsection 5 shall be served personally upon or left at the residence or last known place of abode of the party to be served or may be sent by registered mail to his last known post office address.

Secured
party's
right to
purchase
collateral

(7) The secured party may purchase the collateral or any part thereof only at a public sale.

Effect of
disposition
of collateral

(8) Where collateral is disposed of in accordance with this section, the disposition discharges the security interest of the secured party making the disposition and, if such disposition is made to a *bona fide* purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

Idem

(9) Where collateral is disposed of by a secured party after default otherwise than in accordance with this section, then,

(a) in the case of a public sale, if the purchaser has no knowledge of any defect in the sale and if he does not purchase in collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith,

the disposition discharges the security interest of the secured party making the disposition and, where the disposition is made to a purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

(10) A person who is liable to a secured party under a guarantee, endorsement, covenant, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party, and such a transfer of collateral is not a disposition of the collateral. Certain transfers of collateral

59. Where a security agreement secures an indebtedness and the secured party has dealt with the collateral under section 56 or has disposed of it in accordance with section 58 or otherwise, he shall account for any surplus to any person, other than the debtor, whom the secured party knows to be the owner of the collateral, and, in the absence of such knowledge, he shall account to the debtor for any surplus. Surplus

60.—(1) Where the security agreement secures an indebtedness and the collateral is consumer goods and the debtor has paid at least 60 per cent of the indebtedness secured and has not signed, after default, a statement renouncing or modifying his rights under this Part, the secured party who has taken possession of the collateral shall, within ninety days after taking possession, dispose of or contract to dispose of the collateral under section 58, and, if he fails to do so, the debtor may proceed under section 62 or in an action for damages or loss sustained. Compulsory disposition of collateral, consumer goods

(2) In any case other than that mentioned in subsection 1, a secured party in possession of the collateral may, after default, propose to retain the collateral in satisfaction of the obligation secured, and notification of such proposal shall be given to the debtor and to any other person whom such secured party knows to be the owner of the collateral and, except in the case of consumer goods, to any other person who has a security interest in the collateral and who has registered a security agreement under this Act indexed in the name of the debtor or who is known by the secured party in possession to have a security interest in the collateral. Retention of collateral

Idem

(3) If any person entitled to notification under subsection 2 objects in writing within fifteen days after being notified, the secured party in possession shall dispose of the collateral under section 58, and, in the absence of any such objection, such secured party shall, at the expiration of such period of fifteen days, be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation secured, and thereafter is entitled to hold or dispose of the collateral free of all rights and interests therein of any person entitled to notification under subsection 2 who was given such notification.

Redemption
of collateral

61. At any time before the secured party has disposed of the collateral by sale or exchange or contracted for such disposition under section 58 or before the secured party shall be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation under subsection 2 of section 60, the debtor, or any person other than the debtor who is the owner of the collateral, or any secured party other than the secured party in possession, may, unless he has otherwise agreed in writing after default, redeem the collateral by tendering fulfilment of all obligations secured by the collateral together with a sum equal to the reasonable expenses of retaking, holding, repairing, processing, preparing the collateral for disposition and in arranging for its disposition, and, to the extent provided for in the security agreement, the reasonable solicitor's costs and legal expenses.

Remedies
for failure
of secured
party to
comply with
this Part

62.—(1) Where a secured party in possession of collateral is not complying with any of the obligations imposed by section 19 or, after default, is not proceeding in accordance with this Part or the account is disputed, the debtor or any person who is the owner of the collateral or the creditors of either of them or any person other than such secured party who has an interest in the collateral may apply to the Supreme Court or to a county or district court having jurisdiction with respect thereto, and the court may, upon hearing any such application, direct that the secured party comply with the obligations imposed by section 19, or that the collateral be or be not disposed of, or order an account to be taken or make such other or further order as the court deems just.

Idem

(2) If the disposition of the collateral has been made otherwise than in accordance with this Part,

- (a) the debtor or any other person entitled to notice under subsection 5 of section 58 or whose security interest has been made known to the secured party

prior to the disposition has a right to recover from the secured party any loss or damage caused by his failure to comply with this Part; and

- (b) where the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus 10 per cent of the principal amount of the debt or the time price differential plus 10 per cent of the cash price.

(3) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than the two days preceding the day of the return of the application, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court

(4) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made. Transmission of proceedings

(5) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings are *ipso facto* removed into the Supreme Court. Removal of proceedings

(6) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report. Reference to master

(7) An appeal lies to the Court of Appeal from any order made under this section. Appeal

PART VI

MISCELLANEOUS

63.—(1) Where in this Act any time is prescribed within which or before which any act or thing must be done, a judge on application may, upon such terms and conditions and with such notice, if any, as he may order, extend such time for compliance upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such act or thing done within the period so extended has prejudiced the rights that any person acquired before the doing of such act or thing, such act or thing shall be presumed not to have been done in conformity with this Act for the purpose of obtaining the right that such person acquired before the doing of such act or thing. Extension of time

Idem

(2) A copy of an order made under subsection 1 shall for purposes of registration be attached to the document to which the order relates.

Application
of Act in
respect of
attachment

64. This Act applies only where the security interest attaches on or after the day on which this section came into force, and, where the security interest attached before this Act came into force, the security interest continues to have such force and effect as if this Act had not been passed.

Transitional
provision
R.S.O. 1960,
cc. 24, 34,
61

65. Every security interest that was covered by an unexpired filing or registration under *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* and *The Conditional Sales Act* when this section came into force shall be deemed to have been registered and perfected under this Act and, subject to this Act, such registration continues the effect of the prior filing or registration for the unexpired portion of the filing or registration period.

Rules of
practice

66. Unless otherwise provided by this Act or the regulations, the Rules of Practice and Procedure of the Supreme Court apply to proceedings under this Act.

Destruction
of docu-
ments

67. Where books, documents, cards or papers have been preserved for the purposes of this Act for so long that it appears they need not be preserved any longer, the Inspector of Legal Offices may authorize their destruction.

Conflict

68. Where there is conflict between a provision of this Act and a provision of any other general or special Act, the provision of this Act prevails.

References

69. The provisions of any general or special Act that relate to a security interest and that refer to *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act* or any provision thereof shall be deemed to refer to this Act or to the corresponding provision of this Act, as the case may be, and not to *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act*, as the case may be.

Regulations

70. The Lieutenant Governor in Council may make regulations,

(a) designating branch offices;

- (b) approving the form of the seal of the registrar and each branch registrar;
- (c) prescribing the duties of the registrar and branch registrars;
- (d) prescribing business hours for the offices of the registration system or any of them;
- (e) respecting the registration system;
- (f) requiring the payment of fees and prescribing the amounts thereof;
- (g) prescribing the portion of the fees received under this Act that shall be paid into The Personal Property Security Assurance Fund;
- (h) governing practice and procedure applicable to proceedings under this Act;
- (i) prescribing forms and providing for their use;
- (j) prescribing the particulars referred to in section 46;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

71. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1968, and thereafter out of such moneys as are appropriated therefor by the Legislature. Expenses
of adminis-
tration

72.—(1) This Act, except sections 1 to 40, 44 and 46 to 69, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1 to 40, 44 and 46 to 69 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

73. This Act may be cited as *The Personal Property Security Act, 1967*. Short title

An Act to reform and make uniform the
Law regarding Security Interests in
Personal Property and Fixtures

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 88

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to reform and make uniform the Law regarding Security Interests in Personal Property and Fixtures

MR. WISHART

(Reprinted as amended by the Committee on Legal Bills and Municipal Affairs)

EXPLANATORY NOTE

This Bill was introduced and given First Reading at the 1966 Session of the Legislature in order that it might have wide distribution in convenient form for study by persons and organizations interested.

The purpose of the Bill is to reform and make uniform the law regarding security interests in personal property and fixtures. This is the field of commercial transactions now covered in Ontario by *The Bills of Sale and Chattel Mortgages Act* and *The Conditional Sales Act* and in all the large commercial states of the United States by the Uniform Commercial Code upon which this Bill is based.

The Bill was originally developed by a committee under the chairmanship of Fred M. Catzman, Q.C., and approved in principle by the Canadian Bar Association and the Attorney General's Committee on the Administration of Justice. Later it was given intensive study by the Ontario Law Reform Commission and was the subject of Report No. 3, dated May 28, 1965, and of Report No. 3A, dated May 18, 1966, of the Commission.

It is proposed to bring the administrative provisions of the new Act into force on Royal Assent so that the registration system may be set up as soon as possible. When the system is in operation, a three-year transitional period will commence during which documents will be registered as at present but will also be recorded in the central office under the new system. Thus at the end of the three-year period the central office will have a record of all unexpired registrations and the transitional period can be brought to an end by proclaiming the remaining sections of the new Act in force and repealing the supplanted legislation.

Provisions are made in the complementary Bills to enable the various types of transactions to be covered by the new Act to be phased into the new central registration system whenever it is practicable to do so.

Further consideration is being given to the feasibility of extending the scope of the new Act to cover instruments that are now required to be filed under *The Corporation Securities Registration Act*.

Consideration is also being given to the extension of the registration system under the new Act so as to eventually include documents of all types now registered in the offices of the clerks of the county and district courts by the amendment of the relevant legislation.

See also Bill 90, An Act to amend and to repeal The Assignment of Book Debts Act, Bill 93, An Act respecting Bills of Sale, Bill 92, An Act to amend and to repeal The Bills of Sale and Chattel Mortgages Act, Bill 91, An Act to amend and to repeal The Conditional Sales Act, Bill 89, An Act to amend The Sale of Goods Act.

**An Act to reform and make uniform the
Law regarding Security Interests in
Personal Property and Fixtures**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "accessions" means goods that are installed in or affixed to other goods;
- (b) "account debtor" means a person who is obligated on chattel paper or on an intangible;
- (c) "chattel paper" means one or more than one writing that expresses both a monetary obligation and a security interest in specific goods;
- (d) "collateral" means property that is subject to a security interest;
- (e) "consumer goods" means goods that are used or acquired for use primarily for personal, family or household purposes;
- (f) "creditor" includes an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver, and an executor, administrator or committee;
- (g) "debtor" means a person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes an assignor of book debts and an assignee of the debtor's interest in the collateral referred to in subsection 1 of section 49, or such one or more of them as the context requires;

- (h) "default" means the failure to pay or otherwise perform the obligation secured when due or the occurrence of any event whereupon under the terms of the security agreement the security becomes enforceable;
- (i) "document of title" means any writing that purports to be issued by or addressed to a bailee and purports to cover such goods in the bailee's possession as are identified or fungible portions of an identified mass, and that in the ordinary course of business is treated as establishing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers;
- (j) "equipment" means goods that are not inventory or consumer goods;
- (k) "goods" means all chattels personal, other than choses in action and money, and includes emblements and industrial growing crops, and oil, gas and other minerals to be extracted, and timber to be cut, and goods are either consumer goods, equipment or inventory;
- (l) "instrument" means a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada), or any other writing that evidences a right to the payment of money and is of a type that in the ordinary course of business is transferred by delivery with any necessary endorsement or assignment, but does not include a writing that constitutes part of chattel paper, a document of title or securities;
- (m) "intangible" means all personal property, including choses in action, that is not goods, chattel paper, documents of title, instruments or securities;
- (n) "inventory" means goods that are held by a person for sale or lease, or that are to be furnished or have been furnished under a contract of service, or that are raw materials, work in process or materials used or consumed in a business or profession;
- (o) "judge" means a judge of a county or district court;
- (p) "notify" means to take such steps as are reasonably required to give information to the person to be notified so that,

(i) it comes to his attention, or

- (ii) it is directed to such person at his customary address or at his place of residence, or at such other place as is designated by him over his signature,

and "notification" has a corresponding meaning;

- (q) "prescribed" means prescribed by the regulations;
- (r) "proceeds" means personal property in any form or fixtures derived directly or indirectly from any dealing with collateral or proceeds or that indemnifies or compensates for collateral destroyed or damaged;
- (s) "purchase-money security interest" means a security interest that is,
 - (i) taken or reserved by the seller of the collateral to secure payment of all or part of its price, or
 - (ii) taken by a person who gives value that enables the debtor to acquire rights in or the use of the collateral, if such value is applied to acquire such rights;
- (t) "registrar" means the registrar of personal property security;
- (u) "regulations" means the regulations made under this Act;
- (v) "secured party" means a person who has a security interest;
- (w) "securities" means shares, stock, warrants, bonds, debentures, debenture stock or the like issued by a corporation or other person, or a partnership, association or government;
- (x) "security agreement" means an agreement that creates or provides for a security interest;
- (y) "security interest" means an interest in goods, other than building materials that have been affixed to the realty, fixtures, documents of title, instruments, securities, chattel papers or intangibles that secures payment or performance of an obligation, and includes an interest arising from an assignment of book debts;
- (z) "value" means any consideration sufficient to support a simple contract.

PART I

GENERAL

Application
of Act

2. Subject to subsection 1 of section 3, this Act applies,

- (a) to every transaction without regard to its form and without regard to the person who has title to the collateral that in substance creates a security interest, including, without limiting the foregoing,
 - (i) a chattel mortgage, conditional sale, equipment trust, floating charge, pledge, trust deed or trust receipt, and
 - (ii) an assignment, lease or consignment intended as security; and
- (b) to every assignment of book debts not intended as security, but not to an assignment for the general benefit of creditors to which *The Assignments and Preferences Act* applies.

R.S.O. 1960,
c. 25

Where Act
does not
apply

3.—(1) This Act does not apply,

- (a) to a lien given by statute or rule of law, except as provided in section 32, clause *b* of subsection 3 of section 36, and clause *b* of subsection 2 of section 37;
- (b) to a transfer of an interest or claim in or under any policy of insurance or contract of annuity;
- (c) to a mortgage, charge or assignment whose registration is provided for in *The Corporation Securities Registration Act*; or
- (d) to a transaction under *The Pawnbrokers Act, 1966*.

R.S.O. 1960,
c. 70

1966, c. 111

Rights
under
R.S.O. 1960,
c. 358,
not
affected

(2) The rights of buyers and sellers under subsection 2 of section 20 and sections 39, 40, 41 and 43 of *The Sale of Goods Act* are not affected by this Act.

Errors,
omissions,
etc.

4. A document to which this Act applies is not invalidated nor shall its effect be destroyed by reason only of a defect, irregularity, omission or error therein or in the execution thereof unless, in the opinion of the judge or court, the defect, irregularity, omission or error is shown to have actually misled some person whose interests are affected by the document.

Conflict
of laws

5.—(1) Where the chief place of business of a debtor is in Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles or with regard to goods of a type that are normally

used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by this Act.

(2) Where the chief place of business of a debtor is not in Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles or with regard to goods of a type that are normally used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by the law, including the conflict of law rules, of the jurisdiction in which the chief place of business is located. ^{Idem}

(3) If a jurisdiction does not provide, by registration or recording in such jurisdiction, for perfection of a security interest of the kind referred to in subsections 1 and 2, the security interest may be perfected by registration in Ontario. ^{Idem}

6.—(1) Where personal property, other than that governed by subsection 1 or 2 of section 5, was already subject to a security interest when it was brought into Ontario, the validity of the security interest in Ontario is to be determined by the law, including the conflict of laws rules, of the jurisdiction where the property was when the security interest attached. ^{Conflict of laws, continued}

(2) Where goods brought into Ontario are subject to the seller's right to revendicate or to resume possession of the goods, unless the seller registers a caution in the prescribed form within twenty days after the day on which the goods were brought into Ontario, such right is unenforceable in Ontario thereafter. ^{Right of revendication}

7.—(1) Subject to section 5, a security interest in collateral already perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario continues perfected in Ontario for sixty days and also thereafter if within the sixty-day period it is perfected in Ontario. ^{Conflict of laws, continued}

(2) Notwithstanding subsection 1, where the secured party receives notice within the sixty-day period mentioned therein that the collateral has been brought into Ontario, his security interest in the collateral ceases to be perfected in Ontario unless he registers the security agreement covering the collateral within fifteen days from the date that he receives such notice or upon the expiration of the sixty-day period, whichever is earlier. ^{Idem}

Idem

(3) A security interest that has ceased to be perfected in Ontario due to the expiration of the sixty-day period may thereafter be perfected in Ontario, but such perfection takes effect from the time of its perfection in Ontario.

Conflict of laws, concluded

8. Where a security interest was not perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario, it may be perfected in Ontario within thirty days from the date the collateral is brought into Ontario, in which case perfection dates from the time of perfection in Ontario.

PART II

VALIDITY OF SECURITY AGREEMENTS AND RIGHTS OF PARTIES

Effectiveness of security agreement

9. Except as otherwise provided by this or any other Act, a security agreement is effective according to its terms between the parties to it and against third parties.

Enforceability of security interest

10. A security interest is not enforceable by or against a third party unless,

- (a) the collateral is in the possession of the secured party; or
- (b) the debtor has signed a security agreement that contains a description of the collateral and, if the collateral is or includes fixtures or crops, or oil, gas or other minerals to be extracted, or timber to be cut, a description of the land concerned.

Delivery of copy of agreement

11. Where a security interest is created or provided for by a security agreement, the secured party shall deliver a copy of the security agreement to the debtor within ten days after the execution thereof, and, if he fails to do so after a request by the debtor, a judge may on summary application by the debtor make an order for the delivery of such a copy to the debtor and may make such order as to costs as he deems just.

When security interest attaches

12.—(1) A security interest attaches when,

- (a) the parties intend it to attach;
- (b) value is given; and
- (c) the debtor has rights in the collateral.

Idem

(2) For the purpose of subsection 1, the debtor has no rights in,

- (a) crops until they become growing crops;
- (b) fish until they are caught;
- (c) oil, gas or other minerals until they are extracted; or
- (d) timber until it is cut.

13.—(1) Except as provided in subsection 2, a security agreement may cover after-acquired property and the young of animals after conception. After-acquired property, etc.

(2) No security interest attaches under an after-acquired property clause in a security agreement, Exception

- (a) to crops that become such more than one year after the security agreement has been executed, except that a security interest in crops that is given in conjunction with a lease, purchase or mortgage of land may, if so agreed, attach to crops to be grown on the land concerned during the term of such lease, purchase or mortgage; or
- (b) to consumer goods, other than accessions, unless the debtor acquires rights in them within ten days after the secured party gives value.

14. A purchase-money security interest in consumer goods does not attach to any collateral other than such consumer goods. Limitation on coverage

15. A security agreement may secure future advances or other value whether or not the advances or other value are given pursuant to commitment. Future advances

16. Except as to consumer goods, an agreement by a debtor not to assert against an assignee any claim or defence that he has against his seller or lessor is enforceable by the assignee who takes the assignment for value, in good faith and without notice, except as to such defences as may be asserted against the holder in due course of a negotiable instrument under the *Bills of Exchange Act* (Canada). Agreement not to assert defence against assignee

R.S.C. 1952,
c. 15

17. Where a seller retains a purchase-money security interest in goods, Seller's warranties

- (a) *The Sale of Goods Act* governs the sale and any disclaimer, limitation or modification of the seller's conditions and warranties; and R.S.O. 1960, c. 358
- (b) except as provided in section 16, the conditions and warranties in a sale agreement shall not be affected by any security agreement.

**Provision to
accelerate**

18. Where a security agreement provides that the secured party may accelerate payment or performance when he deems himself insecure, such provision shall be construed to mean that he has power to do so only if he in good faith believes that the prospect of payment or performance is impaired.

**Care of
collateral**

19.—(1) A secured party shall use reasonable care in the custody and preservation of collateral in his possession, and, unless otherwise agreed, in the case of an instrument or chattel paper, reasonable care includes taking necessary steps to preserve rights against prior parties.

**Idem,
rights and
duties of
secured
party**

(2) Unless otherwise agreed, where collateral is in the secured party's possession,

- (a) reasonable expenses, including the cost of insurance and payment of taxes or other charges incurred in the custody and preservation of the collateral, are chargeable to the debtor and are secured by the collateral;
- (b) the risk of loss or damage, except where caused by the negligence of the secured party, is on the debtor to the extent of any deficiency in any insurance coverage;
- (c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, and money so received, unless remitted to the debtor, shall be applied forthwith upon its receipt in reduction of the secured obligation;
- (d) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and
- (e) the secured party may create a security interest in the collateral upon terms that do not impair the debtor's right to redeem it.

**Liability
for loss**

(3) A secured party is liable for any loss or damage caused by his failure to meet any obligations imposed by subsection 1 or 2, but does not lose his security interest.

**Use of
collateral**

(4) A secured party may use the collateral,

- (a) in the manner and to the extent provided in the security agreement;

(b) for the purpose of preserving the collateral or its value; or

(c) pursuant to an order of,

(i) the court before which a question relating thereto is being heard, or

(ii) a judge upon application by originating notice to all persons concerned.

(5) A secured party,

Idem

(a) is liable for any loss or damage caused by his use of the collateral otherwise than as authorized by subsection 4; and

(b) is subject to being ordered or restrained as provided in subsection 1 of section 62.

20.—(1) A debtor or a person having an interest in the collateral or an execution creditor may, by a notice in writing, require the secured party to furnish him with a statement in writing, Statements
of account

(a) of the amount of the indebtedness and of the terms of payment thereof as of the date specified in the notice;

(b) approving or correcting as of the date specified in the notice a statement of the collateral attached to the notice; and

(c) approving or correcting as of the date specified in the notice a statement of the amount of the indebtedness and of the terms of payment thereof,

or any one or two of them.

(2) In the case of clause *b* of subsection 1, if the secured party claims a security interest in all of a particular type of collateral owned by the debtor, he may so indicate in lieu of approving or correcting the itemized list of such collateral contained in the statement of the collateral and attached to the notice. *Idem*

(3) The secured party shall answer a notice given under subsection 1 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person. Time for
compliance
with notice.
liability
for failure
to answer

**Successors
in interest**

(4) Where the person receiving a notice under subsection 1 no longer has an interest in the obligation or collateral, he shall, within fifteen days after he receives the notice, disclose the name and address of the latest successor in interest known to him, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person.

Idem

(5) A successor in interest shall be deemed to be the secured party for the purposes of this section when he receives a notice under subsection 1.

PART III**PERFECTION OF INTEREST****Time when
perfected**

21. A security interest is perfected when,

- (a) it has attached; and
- (b) all steps required for perfection under any provision of this Act have been completed,

regardless of the order of occurrence.

**Where
unperfected
security
interest
subordinate**

22.—(1) Except as provided in subsection 3, an unperfected security interest is subordinate to,

- (a) the interest of a person,
 - (i) who is entitled to a priority under this or any other Act, or
 - (ii) who, without knowledge of the security interest and before it is perfected, assumes control of the collateral through legal process, or
 - (iii) who represents the creditors of the debtor as assignee for the benefit of creditors, trustee in bankruptcy or receiver; and
- (b) the interest of a transferee who is not a secured party to the extent that he gives value without knowledge of the security interest and before it is perfected,
 - (i) of chattel paper, documents of title, securities, instruments or goods in bulk or otherwise, not in the ordinary course of the business of the transferor and where the transferee receives delivery of the collateral, or
 - (ii) of intangibles.

(2) The rights of a person under subclause iii of clause *a* ^{Idem} of subsection 1 in respect of the collateral are referable to the date from which his status has effect and arise without regard to the personal knowledge of the representative if any represented creditor was, on the relevant date, without knowledge of the unperfected security interest.

(3) A purchase-money security interest that is registered ^{Purchase-money security interest} before or within ten days after the debtor's possession of the collateral commences has priority over,

- (a) an interest set out in subclause ii or iii of clause *a* of subsection 1; and
- (b) transfers in bulk or otherwise, not in the ordinary course of business, occurring between the security interest's attaching and its being registered.

23.—(1) If a security interest is originally perfected in ^{Continuity of perfection} any way permitted under this Act and is again perfected in some way under this Act without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Act.

(2) An assignee of a security interest succeeds in so far as ^{Assignees} its perfection is concerned to the position of the assignor at the time of the assignment.

24. Except as provided in section 26, possession of the ^{Perfection by possession} collateral by the secured party, or on his behalf by a person other than the debtor or the debtor's agent, perfects a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) instruments;
- (d) securities;
- (e) letters of credit and advices of credit; or
- (f) negotiable documents of title,

but, subject to section 23, only during its actual holding as collateral.

25.—(1) Subject to section 21, registration perfects a ^{Perfection by registration} security interest in,

- (a) chattel paper;
- (b) goods;
- (c) intangibles; or
- (d) documents of title.

Idem

(2) A security interest is not perfected until it is registered, except in the case of a security interest,

- (a) in collateral in possession of the secured party under section 24; or
- (b) temporarily perfected in instruments, securities or negotiable documents of title under section 26.

Temporary perfection

26.—(1) A security interest in instruments, securities or negotiable documents of title is a perfected security interest for the first ten days after it attaches to the extent that it arises for new value given under a registered security agreement.

Idem

(2) A perfected security interest in,

- (a) an instrument that a secured party delivers to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) presentation, collection or renewal, or
 - (iii) registration of transfer; or
- (b) a negotiable document of title or goods held by a bailee that are not covered by a negotiable document of title, which document of title or goods the secured party makes available to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) loading, unloading, storing, shipping or transshipping, or
 - (iii) manufacturing, processing, packaging or otherwise dealing with goods in a manner preliminary to their sale or exchange,

remains perfected for the first ten days after the collateral comes under the control of the debtor.

(3) Beyond the period of ten days referred to in subsection 1 ^{Idem} or 2, a security interest under this section becomes subject to the provisions of this Act for perfecting a security interest.

27.—(1) Subject to this Act, a security interest in collateral ^{Perfecting as to proceeds} that is dealt with so as to give rise to proceeds,

(a) continues as to the collateral, unless the secured party expressly or impliedly authorized such dealing; and

(b) extends to the proceeds.

(2) Where a security interest in collateral was a perfected ^{Idem} security interest at the time of the dealing,

(a) the security interest under clause a of subsection 1 is perfected in so far as sections 23, 24 and 25 are satisfied; and

(b) the security interest under clause b of subsection 1 becomes unperfected ten days thereafter unless expressly covered by a security agreement or a notice of intention relating to the original collateral that was at the time of dealing perfected by registration, but there is no perfected security interest in proceeds that are not identifiable or traceable.

28.—(1) A security interest in goods in the possession of a bailee who has issued a negotiable document of title covering them is perfected by perfecting a security interest in the document, and any security interest in them otherwise perfected while they are so covered is subject thereto. ^{Perfecting as to goods held by bailee}

(2) A security interest in goods in the possession of a bailee, ^{Idem} other than a bailee mentioned in subsection 1, is perfected by,

(a) issuance of a document of title in the name of the secured party;

(b) a holding on behalf of the secured party pursuant to section 24; or

(c) registration as to the goods.

29.—(1) A security interest in goods that are the subject of a sale or exchange and that are returned to, or repossessed ^{Goods returned or repossessed} by,

(a) the person who sold or exchanged them; or

(b) a transferee of an intangible or chattel paper resulting from the sale of them,

re-attaches to the extent that the secured indebtedness remains unpaid.

Idem

(2) Where the security interest was perfected by a registration that is still effective at the time of the sale or exchange, it re-attaches as a perfected interest, but otherwise requires for its perfection a registration or a taking of possession by the secured party.

Transferees

(3) A transferee of,

(a) an intangible resulting from a sale; or

(b) except as otherwise provided in section 30, chattel paper resulting from a sale,

has, as against the transferor, a security interest that is,

(c) subordinate to a security interest under subsection 1 that was a perfected interest when the goods became the subject of the sale or exchange; and

(d) otherwise subject to section 35.

Idem

(4) A transferee of an intangible or chattel paper resulting from a sale is, with respect to persons asserting interests in the goods under provisions other than subsections 1, 2 and 3, subject to the provisions of this Act for perfecting a security interest.

Effect of perfection on purchasers of goods in ordinary course of business

30.—(1) A purchaser of goods from a seller who sells the goods in the ordinary course of business takes them free from any security interest therein given by his seller even though it is perfected and the purchaser actually knows of it.

Idem, purchasers of chattel paper

(2) A purchaser of chattel paper who takes possession of it in the ordinary course of his business has, to the extent that he gives new value, priority over any other security interest in it,

(a) that was perfected under section 25 if he did not actually know at the time he took possession that the chattel paper was subject to a security interest; or

(b) that has attached to proceeds of inventory under section 27, whatever the extent of his knowledge.

Idem, purchasers of non-negotiable instruments

(3) A purchaser of a non-negotiable instrument who takes possession of it in the ordinary course of his business has priority to the extent that he gives new value over a security interest in it that was perfected under section 26 if he did

not actually know at the time he took possession that the instrument was subject to a security interest.

31.—(1) The rights of,

Bona fide purchasers of negotiable instruments, etc.

(a) a holder in due course of a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada); R.S.C. 1952, c. 15

(b) a holder of a negotiable document of title who takes it in good faith for value; or

(c) a *bona fide* purchaser of securities,

are to be determined without regard to this Act.

(2) Registration under this Act is not such notice as to Idem affect the rights of persons mentioned in subsection 1.

32. Where a person in the ordinary course of business furnishes materials or services with respect to goods in his possession that are subject to a security interest, any lien that he has in respect of such materials or services has priority over a perfected security interest unless the lien is given by an Act that does not provide that the lien has such priority. Priority of liens for materials and services

33. The rights of a debtor in collateral may be transferred voluntarily or involuntarily notwithstanding a provision in the security agreement prohibiting transfer or declaring a transfer to be a default, but no transfer prejudices the rights of the secured party under the security agreement or otherwise. Alienation of rights of debtors

34.—(1) A perfected security interest in crops or their proceeds given for a consideration to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise has priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving the consideration knew of the earlier security interest. Special priorities, crops

(2) A purchase-money security interest in inventory or its proceeds has priority over any other security interest in the same collateral, Idem, purchase-money security interests, inventory

(a) if the purchase-money security interest was perfected at the time the debtor received possession of the collateral; and

- (b) if any secured party, whose security interest was actually known to the holder of the purchase-money security interest or who, prior to the registration by the holder of the purchase-money security interest, had registered a security agreement, a notice of intention or a caution covering the same items or type of inventory, had received notification of the purchase-money security interest before the debtor received possession of the collateral covered by the purchase-money security interest; and
- (c) if such notification states that the person giving the notice had or expected to acquire a purchase-money security interest in inventory of the debtor, describing such inventory by item or type.

Idem,
purchase-
money
security
interests,
other than
inventory

(3) A purchase-money security interest in collateral or its proceeds, other than inventory, has priority over any other security interest in the same collateral if the purchase-money security interest was perfected at the time the debtor obtained possession of the collateral or within ten days thereafter.

Priorities,
general rule

35.—(1) If no other provision of this Act is applicable, priority between security interests in the same collateral shall be determined,

- (a) by the order of registration, if the security interests have been perfected by registration;
- (b) by the order of perfection, unless the security interests have been perfected by registration; or
- (c) by the order of attachment under subsection 1 of section 12, if no security interest has been perfected.

Idem

(2) For the purposes of subsection 1, a continuously perfected security interest shall be treated at all times as if perfected by registration, if it was originally so perfected, and it shall be treated at all times as if perfected otherwise than by registration if it was originally perfected otherwise than by registration.

Priority
of security
interests,
fixtures

36.— (1) Subject to subsection 3 of this section and notwithstanding subsection 3 of section 34, a security interest that attached to goods before they became fixtures has priority as to the goods over the claim of any person who has an interest in the real property.

Idem

(2) Subject to subsection 3, a security interest that attached to goods after they became fixtures has priority over the claim of any person who subsequently acquired an interest in the

real property, but not over any person who had a registered interest in the real property at the time the security interest attached to the goods and who has not consented in writing to the security interest or disclaimed an interest in the goods as fixtures.

(3) The security interests referred to in subsections 1 and 2 ^{Exceptions} are subordinate to the interest of,

- (a) a subsequent purchaser or mortgagee for value of an interest in the real property;
- (b) a creditor with a lien on the real property subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior encumbrance of record on the real property in respect of subsequent advances,

if the subsequent purchase or mortgage was made or the lien was obtained or the subsequent advance under the prior encumbrance was made or contracted for, as the case may be, without actual notice of the security interest.

(4) If a secured party, by virtue of subsection 1 or 2 and subsection 3, has priority over the claim of a person having an interest in the real property, he may on default, subject to the provisions of this Act respecting default, remove his collateral from the real property if, unless otherwise agreed, he reimburses any encumbrancer or owner of the real property who is not the debtor for the cost of repairing any physical injury excluding diminution in the value of the real property caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection. ^{Removal of collateral}

(5) A person having an interest in real property that is subordinate to a security interest by virtue of subsection 1 or 2 and subsection 3 may, before the collateral has been removed from the real property by the secured party in accordance with subsection 4, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim. ^{Retention of collateral}

37.—(1) Subject to subsection 2 and to section 38 and ^{Accessions} notwithstanding subsection 3 of section 34,

- (a) a security interest in an accession that attached before the goods became an accession has priority as to the accession over the claim of any person in respect of the whole; and
- (b) a security interest in goods that attached after the goods became an accession has priority over the claim of any person who subsequently acquired an interest in the whole, but not against a person who had an interest in the whole at the date of attachment of the security interest in the accession and who has not consented in writing to the security interest in the accession or disclaimed an interest in the accession as part of the whole.

Exceptions

(2) A security interest referred to in subsection 1 is subordinate to the interest of,

- (a) a subsequent purchaser for value of an interest in the whole; or
- (b) a creditor with a lien on the whole, subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances,

if the subsequent purchase was made, the lien was obtained or the subsequent advance under the prior perfected security interest was made or contracted for without notice of the security interest.

Removal of collateral

(3) If a secured party, by virtue of subsections 1 and 2, has an interest in an accession that has priority over the claim of any person having an interest in the whole, he may, on default, subject to the provisions of this Act respecting default, remove his collateral from the whole if, unless otherwise agreed, he reimburses any encumbrancer or owner of the whole who is not the debtor for the cost of repairing any physical injury excluding diminution in value of the whole caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection.

Retention of collateral

(4) A person having a security interest in the whole that is subordinate to a security interest by virtue of subsections 1 and 2 may, before the collateral has been removed

by the secured party in accordance with subsection 3, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim.

38. A perfected security interest in goods that subsequently become part of a product or mass continues in the product or mass if the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass, and, if more than one security interest attaches to the product or mass, the security interests rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass. ^{Commingled goods}

39. A secured party may, in the security agreement or otherwise, subordinate his security interest to any other security interest. ^{Priority subject to subordination}

40.—(1) Unless an account debtor has made an enforceable agreement not to assert defences or claims arising out of a sale as provided by section 16, the rights of an assignee are subject to, ^{Account debtors}

- (a) all the terms of the contract between the account debtor and the assignor and any defence or claim arising therefrom; and
- (b) any other defence or claim of the account debtor against the assignor that accrued before the account debtor received notice of the assignment.

(2) The account debtor may pay the assignor until the account debtor receives notice, reasonably identifiable with the relevant rights, that the account has been assigned, and, if requested by the account debtor, the assignee shall furnish proof within a reasonable time that the assignment has been made, and, if he does not do so, the account debtor may pay the assignor. ^{Idem}

PART IV

REGISTRATION

41.—(1) A registration system, including a central office and branch offices, shall be established for the purposes of this Act. ^{Registration system}

(2) The central office of the registration system shall be located at or near the City of Toronto. ^{Central office}

Branch
offices

(3) Branch offices of the registration system shall be established at such places as are designated by the regulations.

Registrar,
appointment

42.—(1) There shall be a registrar of personal property security and a branch registrar for each branch office.

function

(2) It shall be the function of the registrar, under the direction of the Inspector of Legal Offices, to supervise the operation of the registration system established for the purposes of this Act.

seal of
office

(3) The registrar and each branch registrar shall have a seal of office in such form as the Lieutenant Governor in Council approves.

Signing
officers

43. The registrar and each branch registrar may designate one or more persons on the staff of his office to act on his behalf.

Registrar's
certificate

44.—(1) Upon the request of any person and upon payment of the prescribed fee,

- (a) the registrar shall issue a certificate stating whether there is registered at the time mentioned in the certificate a security agreement or other document in which the person named in the certificate is shown as a debtor and, if there is, the registration number of it, and any other information recorded in the central office of the registrationsystem;
- (b) any registered security agreement or other document shall be provided for inspection at the branch office where it was registered; and
- (c) a certified copy of any security agreement or other document shall be furnished at the branch office where it was registered.

Proof of
certificates

(2) A certificate issued under clause *a* of subsection 1 is *prima facie* evidence of the contents thereof.

Proof of
certified
copies

(3) A certified copy furnished under clause *c* of subsection 1 is *prima facie* evidence of the contents of the document so certified.

Assurance
Fund

45.—(1) There shall be an account in the Consolidated Revenue Fund to be known as "The Personal Property Security Assurance Fund", referred to in this section as "the Fund", into which shall be paid the prescribed portion of the fees received under this Act.

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year. Interest

(3) Any person who suffers loss or damage as a result of his reliance upon a certificate of the registrar issued under section 45 that is incorrect because of an error or omission in the operation of the system of registration, recording, and production of information under this Part, is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he makes a claim therefor under subsection 4 within one year from the time of his having suffered the loss or damage. Persons suffering damage to be compensated

(4) A person claiming to be entitled to payment of compensation out of the Fund shall make application therefor in writing to the registrar, setting out therein his full name and address and the particulars of his claim. Claim for compensation

(5) The registrar shall refer the application to the Master of the Supreme Court who shall issue such directions as he thinks proper, hold a hearing, determine the claimant's entitlement to compensation, the amount thereof, and, if awarded, the costs of the proceedings. Reference to Master

(6) The Master shall make his findings and embody his conclusions in the form of a certificate and send by registered mail one copy thereof to the claimant at the address shown in the application and one copy to the registrar. Master's certificate

(7) The certificate of the Master shall be deemed to be confirmed at the expiration of thirty days from the date of mailing it to the claimant, unless notice of appeal is served within that time. Confirmation of certificate

(8) The claimant or the registrar may appeal to the Court of Appeal at any time before the certificate of the Master is confirmed, and the procedure thereon shall be the same as upon an appeal from a report when a whole action has been referred under section 69 of *The Judicature Act*. Appeal

R.S.O. 1960.
c. 197

(9) When the registrar receives a certificate of the Master under subsection 6 and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the registrar shall certify to the Treasurer of Ontario the sum found to be payable, including any costs awarded to the claimant, and the Treasurer shall pay such sum to the claimant out of the Fund. Payment out of Fund

Where documents to be registered, effective time of registration

46. Documents to be registered under this Act shall be tendered for registration at any branch office established under subsection 3 of section 41, but registration is effective only from the time of the recording of the prescribed particulars thereof in the central office and the assignment thereto of a registration number.

Documents to be registered, security agreement or copy

47.—(1) In order to register under this Act for the purpose of perfecting a security interest, the security agreement or a copy thereof signed by the debtor shall, subject to subsection 3, be registered, and it shall contain and legibly set forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party;
- (c) the date of execution of the security agreement;
- (d) a description of the collateral sufficient to identify it; and
- (e) the terms and conditions of the security agreement.

Idem, notice of intention

(2) Where the collateral is goods to be held for sale or lease, a notice of intention to give security signed by the debtor, which contains and legibly sets forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party; and
- (c) a description of the collateral sufficient to identify it,

may, in lieu of the security agreement under subsection 1, be registered before a security agreement is signed or a security interest otherwise attaches, in order to perfect a security interest in such goods.

Where collateral brought into Ontario

(3) Where the collateral was subject to a security interest in an other jurisdiction at the time the collateral was brought into Ontario or where it is desired to perfect a security interest in the proceeds of collateral included in an already perfected security interest, the secured party may register a copy of the security agreement signed by the debtor or a caution in the prescribed form.

What constitutes registration

(4) Registration of a copy of the security agreement signed by the debtor, a notice of intention signed by the debtor or a caution under this section constitutes registration for the purposes of this Act.

(5) Where the collateral is other than instruments, securities, letters of credit, advices of credit, negotiable documents of title or goods to be held for sale or lease with respect to which a notice of intention has been registered, the security agreement shall not be registered after thirty days from the date of its execution. Time limit

(6) An error of a clerical nature or in an immaterial or non-essential part of a security agreement, caution or notice of intention that does not mislead does not invalidate the registration or destroy the effect of the registration. Errors

48.—(1) An assignment, or a copy thereof signed by the secured party of record, of a security agreement, notice of intention or caution may also be registered, if the security agreement, notice of intention or caution has been registered under this Act previous to the registration of the assignment, if the assignment contains and legibly sets forth at least, Assignments

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party of record;
- (c) the full name and address of the assignee; and
- (d) the registration number given at the time of the registration of the security agreement, notice of intention or caution or, if the assignment is presented for registration at the same time as the security agreement or caution, the registration number of the security agreement or caution that is then endorsed thereon.

(2) Upon the registration of an assignment or a copy thereof under subsection 1, the assignee becomes the secured party of record. Idem

49.—(1) Where a security interest has been perfected by registration and the debtor with the consent of the secured party assigns his interest in the collateral, the assignee becomes a debtor and the security interest becomes unperfected unless the secured party registers a notice in the prescribed form within fifteen days of the time he consents to the assignment. Assignment of collateral

(2) Where a security interest has been perfected by registration and the secured party learns that the debtor has assigned his interest in the collateral, the security interest becomes unperfected fifteen days after the secured party learns of the assignment and the name and address of the assignee, unless he registers a notice in the prescribed form within such fifteen days. Where security interest becomes unperfected

Second
registration

(3) A security interest that becomes unperfected under subsection 1 or 2 may thereafter be perfected by registering a notice in the prescribed form or as otherwise provided by this Act.

Amend-
ments

50. An amendment, or a copy thereof, of a security agreement registered under this Act that refers to the registration number of the security agreement, notice of intention or caution that it amends and that is signed by the secured party of record and by the debtor may be registered at any time during the period that the registration of the security agreement, notice of intention or caution is effective.

Subordina-
tion

51. A separate agreement signed by the secured party of record that provides for the subordination of a security interest created or provided for by a security agreement registered under this Act or as to which a notice of intention or caution is registered under this Act and that refers to the registration number of the security agreement, notice of intention or caution may be registered at any time during the period that the registration of the security agreement, notice of intention or caution is effective.

Renewal
statements

52. A renewal statement in the prescribed form that is signed by the secured party of record may be registered at any time.

Effect of
registration

53.—(1) Where the collateral covered by a security agreement is other than instruments, securities, letters of credit, advices of credit or negotiable documents of title, registration under this Act,

- (a) of a security agreement, notice of intention or caution constitutes notice thereof to all persons claiming any interest in such collateral during the period of three years following such registration;
- (b) of a renewal statement constitutes notice of the security agreement, notice of intention or caution to which it relates to all persons claiming any interest in such collateral during the period of three years following such registration; and
- (c) of any other document constitutes notice thereof to all persons claiming any interest in such collateral during the remainder of the period for which the registration of the security agreement, notice of intention or caution is effective.

(2) Where the collateral is or includes fixtures or goods that may become fixtures, or crops, or oil, gas or other minerals to be extracted, or timber to be cut, the security agreement or any other document that may be registered under this Act containing a description of the land affected sufficient for registration under *The Land Titles Act* or *The Registry Act*, as the case may be, may, whether or not it is registered under this Act, be registered under *The Land Titles Act* or *The Registry Act*. Fixtures
R.S.O. 1960,
cc. 204, 348

54.—(1) Upon performance of all obligations under a security agreement, it shall be discharged, and, upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement or caution is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge in the prescribed form together with unregistered assignments, if any, of the security agreement. Discharge of
security
agreement

(2) Where there are no outstanding obligations under any security agreement covered by a registered notice of intention, the secured party, upon written demand delivered either personally or by registered mail by a person having an interest in the collateral, shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge of the notice of intention in the prescribed form. Discharge
of notice
of intention

(3) Where it is agreed to release part of the collateral upon payment or performance of certain of the obligations under a security agreement, then, upon payment or performance of such obligations and upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement or caution is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a release in the prescribed form of the collateral as agreed. Release of
part of
collateral

(4) Where the secured party, without reasonable excuse, fails to deliver the required discharge and assignments or release, as the case may be, within ten days after receipt of a demand therefor under subsection 1, 2 or 3, he shall pay \$100 to the person making the demand and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction. Failure to
deliver

Security or
payment
into court

(5) Upon application to the county or district court by originating notice to all persons concerned, the judge may,

(a) allow security for or payment into court of the amount claimed by the secured party and such costs as he may fix, and thereupon order that the registration of the security agreement, notice of intention or caution be discharged or that a release of collateral be registered, as the case may be; or

(b) order upon any ground he deems proper that the registration of the security agreement, notice of intention or caution be discharged or that a release of collateral be registered, as the case may be.

Registration
of dis-
charges and
releases

(6) Any discharge of a security agreement or notice of intention and any release of collateral may be registered under this Act.

PART V

DEFAULT—RIGHTS AND REMEDIES

Rights and
remedies
cumulative

55.—(1) The rights and remedies referred to in this Part are cumulative.

Secured
party's
rights and
remedies

(2) Where the debtor is in default under a security agreement, the secured party has, in addition to any other rights and remedies, the rights and remedies provided in the security agreement except as limited by subsection 5, the rights and remedies provided in this Part and, when in possession, the rights, remedies and duties provided in section 19.

Secured
party's
remedies

(3) The secured party may enforce the security interest by any method available in or permitted by law and, if the collateral is or includes documents of title, the secured party may proceed either as to the documents of title or as to the goods covered thereby, and any method of enforcement that is available with respect to the documents of title is also available, *mutatis mutandis*, with respect to the goods covered thereby.

Debtor's
rights and
remedies

(4) Where the debtor is in default under a security agreement, he has, in addition to the rights and remedies provided in the security agreement and any other rights and remedies, the rights and remedies provided in this Part and in section 19.

(5) Except as provided in sections 60 and 61, the provisions of subsections 3, 4 and 5 of section 58 and of sections 59, 60, 61 and 62, to the extent that they give rights to the debtor and impose duties upon the secured party, shall not be waived or varied, but the parties may by agreement determine the standards by which the rights of the debtor and the duties of the secured party are to be measured, so long as such standards are not manifestly unreasonable having regard to the nature of such rights and duties.

Waiver and
variation
of rights
and duties

(6) Where a security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property, in which case this Part does not apply.

Where
agreement
covers both
real and
personal
property

(7) A security interest does not merge merely because a secured party has reduced his claim to judgment.

No merger
in judgment

56.—(1) Where so agreed and in any event upon default under a security agreement, a secured party is entitled,

Collection
rights of
secured
party

(a) to notify any account debtor or any obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral; and

(b) to take control of any proceeds to which he is entitled under section 27.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors on instruments shall proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections.

Idem

57. Upon default under a security agreement,

Secured
party's
right to
take posses-
sion upon
default

(a) the secured party has, unless otherwise agreed, the right to take possession of the collateral by any method permitted by law;

- (b) if the collateral is equipment and the security interest has been perfected by registration, the secured party may, in a reasonable manner, render such equipment unusable without removal thereof from the debtor's premises, and the secured party shall thereupon be deemed to have taken possession of such equipment; and
- (c) the secured party may dispose of collateral under section 58 on the debtor's premises.

Secured party's right to dispose of collateral upon default

58.—(1) Upon default under a security agreement, the secured party may dispose of any of the collateral in its condition either before or after any commercially reasonable repair, processing or preparation for disposition, and the proceeds of the disposition shall be applied consecutively to,

- (a) the reasonable expenses of retaking, holding, repairing, processing, preparing for disposition and disposing of the collateral and, to the extent provided for in the security agreement and not prohibited by law, any other reasonable expenses incurred by the secured party;
- (b) the satisfaction of the obligation secured by the security interest of the party making the disposition; and
- (c) the satisfaction of the obligation secured by any subordinate security interest in the collateral if written demand therefor is received by the party making the disposition before the distribution of the proceeds is completed.

Request for proof of interest

(2) Where a written demand under clause *c* of subsection 1 is received by the secured party, he may request the holder of the subordinate security interest to furnish him with reasonable proof of such holder's interest, and, unless such holder furnishes such proof within a reasonable time, the secured party need not comply with such demand.

Methods of disposition

(3) Collateral may be disposed of in whole or in part, and any such disposition may be by public sale, private sale, lease or otherwise and, subject to subsection 5, may be made at any time and place and on any terms so long as every aspect of the disposition is commercially reasonable.

Secured party's right to delay disposition of collateral

(4) The secured party may, subject to subsection 1 of section 60, retain the collateral in whole or in part for such period of time as is commercially reasonable.

(5) Unless the collateral is perishable or unless the secured party believes on reasonable grounds that the collateral will decline speedily in value, the secured party shall give to the debtor and to any other person who has a security interest in the collateral and who has registered a security agreement, notice of intention or caution under this Act indexed in the name of the debtor or who is known by the secured party to have a security interest in the collateral not less than fifteen days notice in writing containing,

Secured party to give notice of disposition of collateral

- (a) a brief description of the collateral;
- (b) the amount required to satisfy the obligation secured by his security interest;
- (c) the amount of the applicable expenses referred to in clause *a* of subsection 1 or, in a case where the amount of such expenses has not been determined, his reasonable estimate thereof;
- (d) a statement that upon payment of the amounts due the debtor may redeem the collateral;
- (e) a statement that unless the amounts due are paid the collateral will be disposed of and the debtor may be liable for any deficiency; and
- (f) the date, time and place of any public sale or of the date after which any private disposition of the collateral is to be made.

(6) The notice required by subsection 5 shall be served personally upon or left at the residence or last known place of abode of the party to be served or may be sent by registered mail to his last known post office address.

Service of notice

(7) The secured party may purchase the collateral or any part thereof only at a public sale.

Secured party's right to purchase collateral

(8) Where collateral is disposed of in accordance with this section, the disposition discharges the security interest of the secured party making the disposition and, if such disposition is made to a *bona fide* purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

Effect of disposition of collateral

(9) Where collateral is disposed of by a secured party after default otherwise than in accordance with this section, then,

Idem

- (a) in the case of a public sale, if the purchaser has no knowledge of any defect in the sale and if he does not purchase in collusion with the secured party, other bidders or the person conducting the sale; or
- (b) in any other case, if the purchaser acts in good faith,

the disposition discharges the security interest of the secured party making the disposition and, where the disposition is made to a purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

Certain transfers of collateral

(10) A person who is liable to a secured party under a guarantee, endorsement, covenant, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party, and such a transfer of collateral is not a disposition of the collateral.

Surplus

59. Where a security agreement secures an indebtedness and the secured party has dealt with the collateral under section 56 or has disposed of it in accordance with section 58 or otherwise, he shall account for any surplus to any person, other than the debtor, whom the secured party knows to be the owner of the collateral, and, in the absence of such knowledge, he shall account to the debtor for any surplus.

Compulsory disposition of collateral, consumer goods

60.—(1) Where the security agreement secures an indebtedness and the collateral is consumer goods and the debtor has paid at least 60 per cent of the indebtedness secured and has not signed, after default, a statement renouncing or modifying his rights under this Part, the secured party who has taken possession of the collateral shall, within ninety days after taking possession, dispose of or contract to dispose of the collateral under section 58, and, if he fails to do so, the debtor may proceed under section 62 or in an action for damages or loss sustained.

Retention of collateral

(2) In any case other than that mentioned in subsection 1, a secured party in possession of the collateral may, after default, propose to retain the collateral in satisfaction of the obligation secured, and notification of such proposal shall be given to the debtor and to any other person whom such secured party knows to be the owner of the collateral and, except in the case of consumer goods, to any other person who has a security interest in the collateral and who has registered a security agreement under this Act indexed in the name of the debtor or who is known by the secured party in possession to have a security interest in the collateral.

(3) If any person entitled to notification under subsection 2 ^{Idem} objects in writing within fifteen days after being notified, the secured party in possession shall dispose of the collateral under section 58, and, in the absence of any such objection, such secured party shall, at the expiration of such period of fifteen days, be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation secured, and thereafter is entitled to hold or dispose of the collateral free of all rights and interests therein of any person entitled to notification under subsection 2 who was given such notification.

61. At any time before the secured party has disposed of the collateral by sale or exchange or contracted for such disposition under section 58 or before the secured party shall be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation under subsection 2 of section 60, the debtor, or any person other than the debtor who is the owner of the collateral, or any secured party other than the secured party in possession, may, unless he has otherwise agreed in writing after default, redeem the collateral by tendering fulfilment of all obligations secured by the collateral together with a sum equal to the reasonable expenses of retaking, holding, repairing, processing, preparing the collateral for disposition and in arranging for its disposition, and, to the extent provided for in the security agreement, the reasonable solicitor's costs and legal expenses. ^{Redemption of collateral}

62.—(1) Where a secured party in possession of collateral is not complying with any of the obligations imposed by section 19 or, after default, is not proceeding in accordance with this Part or the account is disputed, the debtor or any person who is the owner of the collateral or the creditors of either of them or any person other than such secured party who has an interest in the collateral may apply to the Supreme Court or to a county or district court having jurisdiction with respect thereto, and the court may, upon hearing any such application, direct that the secured party comply with the obligations imposed by section 19, or that the collateral be or be not disposed of, or order an account to be taken or make such other or further order as the court deems just. ^{Remedies for failure of secured party to comply with this Part}

(2) If the disposition of the collateral has been made ^{Idem} otherwise than in accordance with this Part,

- (a) the debtor or any other person entitled to notice under subsection 5 of section 58 or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss or damage caused by his failure to comply with this Part; and

- (b) where the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus 10 per cent of the principal amount of the debt or the time price differential plus 10 per cent of the cash price.

Removal of
proceedings
into
Supreme
Court

(3) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than the two days preceding the day of the return of the application, require the proceedings to be removed into the Supreme Court.

Transmission
of
proceedings

(4) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made.

Removal of
proceedings

(5) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings are *ipso facto* removed into the Supreme Court.

Reference
to master

(6) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report.

Appeal

(7) An appeal lies to the Court of Appeal from any order made under this section.

PART VI

MISCELLANEOUS

Extension
of time

63.—(1) Where in this Act any time is prescribed within which or before which any act or thing must be done, a judge on application may, upon such terms and conditions and with such notice, if any, as he may order, extend such time for compliance upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such act or thing done within the period so extended has prejudiced the rights that any person acquired before the doing of such act or thing, such act or thing shall be presumed not to have been done in conformity with this Act for the purpose of obtaining the right that such person acquired before the doing of such act or thing.

(2) A copy of an order made under subsection 1 shall for ^{idem} purposes of registration be attached to the document to which the order relates.

64. This Act applies only where the security interest ^{Application of Act in respect of attachment} attaches on or after the day on which this section came into force, and, where the security interest attached before this Act came into force, the security interest continues to have such force and effect as if this Act had not been passed.

65. Every security interest that was covered by an un- ^{Transitional provision R.S.O. 1960, cc. 24, 34, 61} expired filing or registration under *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* and *The Conditional Sales Act* when this section came into force shall be deemed to have been registered and perfected under this Act and, subject to this Act, such registration continues the effect of the prior filing or registration for the unexpired portion of the filing or registration period.

66. Unless otherwise provided by this Act or the regu- ^{Rules of practice} lations, the Rules of Practice and Procedure of the Supreme Court apply to proceedings under this Act.

67. Where books, documents, records, cards or papers have ^{Destruction of documents} been preserved for the purposes of this Act for so long that it appears they need not be preserved any longer, the Inspector of Legal Offices may authorize their destruction.

68. Where there is conflict between a provision of this Act ^{Conflict 1966, c. 23} and a provision of *The Consumer Protection Act, 1966*, the provision of *The Consumer Protection Act, 1966* prevails and, where there is conflict between a provision of this Act and a provision of any general or special Act, other than *The Consumer Protection Act, 1966*, the provision of this Act prevails.

69. The provisions of any general or special Act that relate ^{References} to a security interest and that refer to *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act* or any provision thereof shall be deemed to refer to this Act or to the corresponding provision of this Act, as the case may be, and not to *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act*, as the case may be.

70. The Lieutenant Governor in Council may make regu- ^{Regulations} lations,

(a) designating branch offices;

- (b) approving the form of the seal of the registrar and each branch registrar;
- (c) prescribing the duties of the registrar and branch registrars;
- (d) prescribing business hours for the offices of the registration system or any of them;
- (e) respecting the registration system;
- (f) requiring the payment of fees and prescribing the amounts thereof;
- (g) prescribing the portion of the fees received under this Act that shall be paid into The Personal Property Security Assurance Fund;
- (h) governing practice and procedure applicable to proceedings under this Act;
- (i) prescribing forms and providing for their use;
- (j) prescribing the particulars referred to in section 46;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Expenses
of adminis-
tration

71. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1968, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Commence-
ment

72.—(1) This Act, except sections 1 to 40, 44 and 46 to 69, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 40, 44 and 46 to 69 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

73. This Act may be cited as *The Personal Property Security Act, 1967*.

An Act to reform and make uniform the
Law regarding Security Interests in
Personal Property and Fixtures

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

MR. WISHART

(Reprinted as amended by the Committee
on Legal Bills and Municipal Affairs)

BILL 88

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to reform and make uniform the Law regarding Security Interests in Personal Property and Fixtures

MR. WISHART

BILL 88

1967

**An Act to reform and make uniform the
Law regarding Security Interests in
Personal Property and Fixtures**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "accessions" means goods that are installed in or affixed to other goods;
- (b) "account debtor" means a person who is obligated on chattel paper or on an intangible;
- (c) "chattel paper" means one or more than one writing that expresses both a monetary obligation and a security interest in specific goods;
- (d) "collateral" means property that is subject to a security interest;
- (e) "consumer goods" means goods that are used or acquired for use primarily for personal, family or household purposes;
- (f) "creditor" includes an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver, and an executor, administrator or committee;
- (g) "debtor" means a person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes an assignor of book debts and an assignee of the debtor's interest in the collateral referred to in subsection 1 of section 49, or such one or more of them as the context requires;

- (h) "default" means the failure to pay or otherwise perform the obligation secured when due or the occurrence of any event whereupon under the terms of the security agreement the security becomes enforceable;
- (i) "document of title" means any writing that purports to be issued by or addressed to a bailee and purports to cover such goods in the bailee's possession as are identified or fungible portions of an identified mass, and that in the ordinary course of business is treated as establishing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers;
- (j) "equipment" means goods that are not inventory or consumer goods;
- (k) "goods" means all chattels personal, other than choses in action and money, and includes emblements and industrial growing crops, and oil, gas and other minerals to be extracted, and timber to be cut, and goods are either consumer goods, equipment or inventory;
- (l) "instrument" means a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada), or any other writing that evidences a right to the payment of money and is of a type that in the ordinary course of business is transferred by delivery with any necessary endorsement or assignment, but does not include a writing that constitutes part of chattel paper, a document of title or securities;
- (m) "intangible" means all personal property, including choses in action, that is not goods, chattel paper, documents of title, instruments or securities;
- (n) "inventory" means goods that are held by a person for sale or lease, or that are to be furnished or have been furnished under a contract of service, or that are raw materials, work in process or materials used or consumed in a business or profession;
- (o) "judge" means a judge of a county or district court;
- (p) "notify" means to take such steps as are reasonably required to give information to the person to be notified so that,

(i) it comes to his attention, or

- (ii) it is directed to such person at his customary address or at his place of residence, or at such other place as is designated by him over his signature,

and "notification" has a corresponding meaning;

- (q) "prescribed" means prescribed by the regulations;
- (r) "proceeds" means personal property in any form or fixtures derived directly or indirectly from any dealing with collateral or proceeds or that indemnifies or compensates for collateral destroyed or damaged;
- (s) "purchase-money security interest" means a security interest that is,
 - (i) taken or reserved by the seller of the collateral to secure payment of all or part of its price, or
 - (ii) taken by a person who gives value that enables the debtor to acquire rights in or the use of the collateral, if such value is applied to acquire such rights;
- (t) "registrar" means the registrar of personal property security;
- (u) "regulations" means the regulations made under this Act;
- (v) "secured party" means a person who has a security interest;
- (w) "securities" means shares, stock, warrants, bonds, debentures, debenture stock or the like issued by a corporation or other person, or a partnership, association or government;
- (x) "security agreement" means an agreement that creates or provides for a security interest;
- (y) "security interest" means an interest in goods, other than building materials that have been affixed to the realty, fixtures, documents of title, instruments, securities, chattel papers or intangibles that secures payment or performance of an obligation, and includes an interest arising from an assignment of book debts;
- (z) "value" means any consideration sufficient to support a simple contract.

PART I

GENERAL

Application
of Act

2. Subject to subsection 1 of section 3, this Act applies,

(a) to every transaction without regard to its form and without regard to the person who has title to the collateral that in substance creates a security interest, including, without limiting the foregoing,

(i) a chattel mortgage, conditional sale, equipment trust, floating charge, pledge, trust deed or trust receipt, and

(ii) an assignment, lease or consignment intended as security; and

(b) to every assignment of book debts not intended as security, but not to an assignment for the general benefit of creditors to which *The Assignments and Preferences Act* applies.

R.S.O. 1960,
c. 25

Where Act
does not
apply

3.—(1) This Act does not apply,

(a) to a lien given by statute or rule of law, except as provided in section 32, clause *b* of subsection 3 of section 36, and clause *b* of subsection 2 of section 37;

(b) to a transfer of an interest or claim in or under any policy of insurance or contract of annuity;

(c) to a mortgage, charge or assignment whose registration is provided for in *The Corporation Securities Registration Act*; or

R.S.O. 1960,
c. 70

1966, c. 111

(d) to a transaction under *The Pawnbrokers Act, 1966*.

Rights
under
R.S.O. 1960,
c. 358,
not
affected

(2) The rights of buyers and sellers under subsection 2 of section 20 and sections 39, 40, 41 and 43 of *The Sale of Goods Act* are not affected by this Act.

Errors,
omissions,
etc.

4. A document to which this Act applies is not invalidated nor shall its effect be destroyed by reason only of a defect, irregularity, omission or error therein or in the execution thereof unless, in the opinion of the judge or court, the defect, irregularity, omission or error is shown to have actually misled some person whose interests are affected by the document.

Conflict
of laws

5.—(1) Where the chief place of business of a debtor is in Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles or with regard to goods of a type that are normally

used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by this Act.

(2) Where the chief place of business of a debtor is not in ^{Idem} Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles or with regard to goods of a type that are normally used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by the law, including the conflict of law rules, of the jurisdiction in which the chief place of business is located.

(3) If a jurisdiction does not provide, by registration or ^{Idem} recording in such jurisdiction, for perfection of a security interest of the kind referred to in subsections 1 and 2, the security interest may be perfected by registration in Ontario.

6.—(1) Where personal property, other than that governed by subsection 1 or 2 of section 5, was already subject to a security interest when it was brought into Ontario, the validity of the security interest in Ontario is to be determined by the law, including the conflict of laws rules, of the jurisdiction where the property was when the security interest attached. ^{Conflict of laws, continued}

(2) Where goods brought into Ontario are subject to the seller's right to revendicate or to resume possession of the goods, unless the seller registers a caution in the prescribed form within twenty days after the day on which the goods were brought into Ontario, such right is unenforceable in Ontario thereafter. ^{Right of revendication}

7.—(1) Subject to section 5, a security interest in collateral already perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario continues perfected in Ontario for sixty days and also thereafter if within the sixty-day period it is perfected in Ontario. ^{Conflict of laws, continued}

(2) Notwithstanding subsection 1, where the secured party ^{Idem} receives notice within the sixty-day period mentioned therein that the collateral has been brought into Ontario, his security interest in the collateral ceases to be perfected in Ontario unless he registers the security agreement covering the collateral within fifteen days from the date that he receives such notice or upon the expiration of the sixty-day period, whichever is earlier.

Idem

(3) A security interest that has ceased to be perfected in Ontario due to the expiration of the sixty-day period may thereafter be perfected in Ontario, but such perfection takes effect from the time of its perfection in Ontario.

Conflict of laws, concluded

8. Where a security interest was not perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario, it may be perfected in Ontario within thirty days from the date the collateral is brought into Ontario, in which case perfection dates from the time of perfection in Ontario.

PART II

VALIDITY OF SECURITY AGREEMENTS AND RIGHTS OF PARTIES

Effectiveness of security agreement

9. Except as otherwise provided by this or any other Act, a security agreement is effective according to its terms between the parties to it and against third parties.

Enforceability of security interest

10. A security interest is not enforceable by or against a third party unless,

- (a) the collateral is in the possession of the secured party; or
- (b) the debtor has signed a security agreement that contains a description of the collateral and, if the collateral is or includes fixtures or crops, or oil, gas or other minerals to be extracted, or timber to be cut, a description of the land concerned.

Delivery of copy of agreement

11. Where a security interest is created or provided for by a security agreement, the secured party shall deliver a copy of the security agreement to the debtor within ten days after the execution thereof, and, if he fails to do so after a request by the debtor, a judge may on summary application by the debtor make an order for the delivery of such a copy to the debtor and may make such order as to costs as he deems just.

When security interest attaches

12.—(1) A security interest attaches when,

- (a) the parties intend it to attach;
- (b) value is given; and
- (c) the debtor has rights in the collateral.

Idem

(2) For the purpose of subsection 1, the debtor has no rights in,

- (a) crops until they become growing crops;
- (b) fish until they are caught;
- (c) oil, gas or other minerals until they are extracted; or
- (d) timber until it is cut.

13.—(1) Except as provided in subsection 2, a security agreement may cover after-acquired property and the young of animals after conception. After-acquired property, etc.

(2) No security interest attaches under an after-acquired property clause in a security agreement, Exception

- (a) to crops that become such more than one year after the security agreement has been executed, except that a security interest in crops that is given in conjunction with a lease, purchase or mortgage of land may, if so agreed, attach to crops to be grown on the land concerned during the term of such lease, purchase or mortgage; or
- (b) to consumer goods, other than accessions, unless the debtor acquires rights in them within ten days after the secured party gives value.

14. A purchase-money security interest in consumer goods does not attach to any collateral other than such consumer goods. Limitation on coverage

15. A security agreement may secure future advances or other value whether or not the advances or other value are given pursuant to commitment. Future advances

16. Except as to consumer goods, an agreement by a debtor not to assert against an assignee any claim or defence that he has against his seller or lessor is enforceable by the assignee who takes the assignment for value, in good faith and without notice, except as to such defences as may be asserted against the holder in due course of a negotiable instrument under the *Bills of Exchange Act* (Canada). Agreement not to assert defence against assignee

R.S.C. 1952, c. 15

17. Where a seller retains a purchase-money security interest in goods, Seller's warranties

- (a) *The Sale of Goods Act* governs the sale and any disclaimer, limitation or modification of the seller's conditions and warranties; and R.S.O. 1960, c. 358
- (b) except as provided in section 16, the conditions and warranties in a sale agreement shall not be affected by any security agreement.

Provision to
accelerate

18. Where a security agreement provides that the secured party may accelerate payment or performance when he deems himself insecure, such provision shall be construed to mean that he has power to do so only if he in good faith believes that the prospect of payment or performance is impaired.

Care of
collateral

19.—(1) A secured party shall use reasonable care in the custody and preservation of collateral in his possession, and, unless otherwise agreed, in the case of an instrument or chattel paper, reasonable care includes taking necessary steps to preserve rights against prior parties.

Idem,
rights and
duties of
secured
party

(2) Unless otherwise agreed, where collateral is in the secured party's possession,

- (a) reasonable expenses, including the cost of insurance and payment of taxes or other charges incurred in the custody and preservation of the collateral, are chargeable to the debtor and are secured by the collateral;
- (b) the risk of loss or damage, except where caused by the negligence of the secured party, is on the debtor to the extent of any deficiency in any insurance coverage;
- (c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, and money so received, unless remitted to the debtor, shall be applied forthwith upon its receipt in reduction of the secured obligation;
- (d) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and
- (e) the secured party may create a security interest in the collateral upon terms that do not impair the debtor's right to redeem it.

Liability
for loss

(3) A secured party is liable for any loss or damage caused by his failure to meet any obligations imposed by subsection 1 or 2, but does not lose his security interest.

Use of
collateral

(4) A secured party may use the collateral,

- (a) in the manner and to the extent provided in the security agreement;

(b) for the purpose of preserving the collateral or its value; or

(c) pursuant to an order of,

(i) the court before which a question relating thereto is being heard, or

(ii) a judge upon application by originating notice to all persons concerned.

(5) A secured party,

Idem

(a) is liable for any loss or damage caused by his use of the collateral otherwise than as authorized by subsection 4; and

(b) is subject to being ordered or restrained as provided in subsection 1 of section 62.

20.—(1) A debtor or a person having an interest in the collateral or an execution creditor may, by a notice in writing, require the secured party to furnish him with a statement in writing, Statements of account

(a) of the amount of the indebtedness and of the terms of payment thereof as of the date specified in the notice;

(b) approving or correcting as of the date specified in the notice a statement of the collateral attached to the notice; and

(c) approving or correcting as of the date specified in the notice a statement of the amount of the indebtedness and of the terms of payment thereof,

or any one or two of them.

(2) In the case of clause *b* of subsection 1, if the secured party claims a security interest in all of a particular type of collateral owned by the debtor, he may so indicate in lieu of approving or correcting the itemized list of such collateral contained in the statement of the collateral and attached to the notice. *Idem*

(3) The secured party shall answer a notice given under subsection 1 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person. Time for compliance with notice, liability for failure to answer

Successors
in interest

(4) Where the person receiving a notice under subsection 1 no longer has an interest in the obligation or collateral, he shall, within fifteen days after he receives the notice, disclose the name and address of the latest successor in interest known to him, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person.

Idem

(5) A successor in interest shall be deemed to be the secured party for the purposes of this section when he receives a notice under subsection 1.

PART III

PERFECTION OF INTEREST

Time when
perfected

21. A security interest is perfected when,

- (a) it has attached; and
- (b) all steps required for perfection under any provision of this Act have been completed,

regardless of the order of occurrence.

Where
unperfected
security
interest
subordinate

22.—(1) Except as provided in subsection 3, an unperfected security interest is subordinate to,

- (a) the interest of a person,
 - (i) who is entitled to a priority under this or any other Act, or
 - (ii) who, without knowledge of the security interest and before it is perfected, assumes control of the collateral through legal process, or
 - (iii) who represents the creditors of the debtor as assignee for the benefit of creditors, trustee in bankruptcy or receiver; and
- (b) the interest of a transferee who is not a secured party to the extent that he gives value without knowledge of the security interest and before it is perfected,
 - (i) of chattel paper, documents of title, securities, instruments or goods in bulk or otherwise, not in the ordinary course of the business of the transferor and where the transferee receives delivery of the collateral, or
 - (ii) of intangibles.

(2) The rights of a person under subclause iii of clause *a* ^{Idem} of subsection 1 in respect of the collateral are referable to the date from which his status has effect and arise without regard to the personal knowledge of the representative if any represented creditor was, on the relevant date, without knowledge of the unperfected security interest.

(3) A purchase-money security interest that is registered ^{Purchase-money security interest} before or within ten days after the debtor's possession of the collateral commences has priority over,

- (a) an interest set out in subclause ii or iii of clause *a* of subsection 1; and
- (b) transfers in bulk or otherwise, not in the ordinary course of business, occurring between the security interest's attaching and its being registered.

23.—(1) If a security interest is originally perfected in ^{Continuity of perfection} any way permitted under this Act and is again perfected in some way under this Act without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Act.

(2) An assignee of a security interest succeeds in so far ^{Assignees} as its perfection is concerned to the position of the assignor at the time of the assignment.

24. Except as provided in section 26, possession of the ^{Perfection by possession} collateral by the secured party, or on his behalf by a person other than the debtor or the debtor's agent, perfects a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) instruments;
- (d) securities;
- (e) letters of credit and advices of credit; or
- (f) negotiable documents of title,

but, subject to section 23, only during its actual holding as collateral.

25.—(1) Subject to section 21, registration perfects ^{Perfection by registration} a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) intangibles; or
- (d) documents of title.

Idem

(2) A security interest is not perfected until it is registered, except in the case of a security interest,

- (a) in collateral in possession of the secured party under section 24; or
- (b) temporarily perfected in instruments, securities or negotiable documents of title under section 26.

Temporary perfection

26.—(1) A security interest in instruments, securities or negotiable documents of title is a perfected security interest for the first ten days after it attaches to the extent that it arises for new value given under a registered security agreement.

Idem

(2) A perfected security interest in,

- (a) an instrument that a secured party delivers to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) presentation, collection or renewal, or
 - (iii) registration of transfer; or
- (b) a negotiable document of title or goods held by a bailee that are not covered by a negotiable document of title, which document of title or goods the secured party makes available to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) loading, unloading, storing, shipping or transshipping, or
 - (iii) manufacturing, processing, packaging or otherwise dealing with goods in a manner preliminary to their sale or exchange,

remains perfected for the first ten days after the collateral comes under the control of the debtor.

(3) Beyond the period of ten days referred to in subsection 1 ^{Idem} or 2, a security interest under this section becomes subject to the provisions of this Act for perfecting a security interest.

27.—(1) Subject to this Act, a security interest in collateral ^{Perfecting as to proceeds} that is dealt with so as to give rise to proceeds,

(a) continues as to the collateral, unless the secured party expressly or impliedly authorized such dealing; and

(b) extends to the proceeds.

(2) Where a security interest in collateral was a perfected ^{Idem} security interest at the time of the dealing,

(a) the security interest under clause *a* of subsection 1 is perfected in so far as sections 23, 24 and 25 are satisfied; and

(b) the security interest under clause *b* of subsection 1 becomes unperfected ten days thereafter unless expressly covered by a security agreement or a notice of intention relating to the original collateral that was at the time of dealing perfected by registration, but there is no perfected security interest in proceeds that are not identifiable or traceable.

28.—(1) A security interest in goods in the possession of a ^{Perfecting as to goods held by bailee} bailee who has issued a negotiable document of title covering them is perfected by perfecting a security interest in the document, and any security interest in them otherwise perfected while they are so covered is subject thereto.

(2) A security interest in goods in the possession of a bailee, ^{Idem} other than a bailee mentioned in subsection 1, is perfected by,

(a) issuance of a document of title in the name of the secured party;

(b) a holding on behalf of the secured party pursuant to section 24; or

(c) registration as to the goods.

29.—(1) A security interest in goods that are the subject ^{Goods returned or repossessed} of a sale or exchange and that are returned to, or repossessed by,

(a) the person who sold or exchanged them; or

(b) a transferee of an intangible or chattel paper resulting from the sale of them,

re-attaches to the extent that the secured indebtedness remains unpaid.

Idem

(2) Where the security interest was perfected by a registration that is still effective at the time of the sale or exchange, it re-attaches as a perfected interest, but otherwise requires for its perfection a registration or a taking of possession by the secured party.

Transferees

(3) A transferee of,

(a) an intangible resulting from a sale; or

(b) except as otherwise provided in section 30, chattel paper resulting from a sale,

has, as against the transferor, a security interest that is,

(c) subordinate to a security interest under subsection 1 that was a perfected interest when the goods became the subject of the sale or exchange; and

(d) otherwise subject to section 35.

Idem

(4) A transferee of an intangible or chattel paper resulting from a sale is, with respect to persons asserting interests in the goods under provisions other than subsections 1, 2 and 3, subject to the provisions of this Act for perfecting a security interest.

Effect of perfection on purchasers of goods in ordinary course of business

30.—(1) A purchaser of goods from a seller who sells the goods in the ordinary course of business takes them free from any security interest therein given by his seller even though it is perfected and the purchaser actually knows of it.

Idem, purchasers of chattel paper

(2) A purchaser of chattel paper who takes possession of it in the ordinary course of his business has, to the extent that he gives new value, priority over any other security interest in it,

(a) that was perfected under section 25 if he did not actually know at the time he took possession that the chattel paper was subject to a security interest; or

(b) that has attached to proceeds of inventory under section 27, whatever the extent of his knowledge.

Idem, purchasers of non-negotiable instruments

(3) A purchaser of a non-negotiable instrument who takes possession of it in the ordinary course of his business has priority to the extent that he gives new value over a security interest in it that was perfected under section 26 if he did

not actually know at the time he took possession that the instrument was subject to a security interest.

31.—(1) The rights of,

Bona fide purchasers of negotiable instruments, etc.
R.S.C. 1952, c. 15

(a) a holder in due course of a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada);

(b) a holder of a negotiable document of title who takes it in good faith for value; or

(c) a *bona fide* purchaser of securities,

are to be determined without regard to this Act.

(2) Registration under this Act is not such notice as to affect the rights of persons mentioned in subsection 1. Idem

32. Where a person in the ordinary course of business furnishes materials or services with respect to goods in his possession that are subject to a security interest, any lien that he has in respect of such materials or services has priority over a perfected security interest unless the lien is given by an Act that does not provide that the lien has such priority. Priority of liens for materials and services

33. The rights of a debtor in collateral may be transferred voluntarily or involuntarily notwithstanding a provision in the security agreement prohibiting transfer or declaring a transfer to be a default, but no transfer prejudices the rights of the secured party under the security agreement or otherwise. Alienation of rights of debtors

34.—(1) A perfected security interest in crops or their proceeds given for a consideration to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise has priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving the consideration knew of the earlier security interest. Special priorities, crops

(2) A purchase-money security interest in inventory or its proceeds has priority over any other security interest in the same collateral, Idem, purchase-money security interests, inventory

(a) if the purchase-money security interest was perfected at the time the debtor received possession of the collateral; and

- (b) if any secured party, whose security interest was actually known to the holder of the purchase-money security interest or who, prior to the registration by the holder of the purchase-money security interest, had registered a security agreement, a notice of intention or a caution covering the same items or type of inventory, had received notification of the purchase-money security interest before the debtor received possession of the collateral covered by the purchase-money security interest; and
- (c) if such notification states that the person giving the notice had or expected to acquire a purchase-money security interest in inventory of the debtor, describing such inventory by item or type.

Idem,
purchase-
money
security
interests,
other than
inventory

(3) A purchase-money security interest in collateral or its proceeds, other than inventory, has priority over any other security interest in the same collateral if the purchase-money security interest was perfected at the time the debtor obtained possession of the collateral or within ten days thereafter.

Priorities,
general rule

35.—(1) If no other provision of this Act is applicable, priority between security interests in the same collateral shall be determined,

- (a) by the order of registration, if the security interests have been perfected by registration;
- (b) by the order of perfection, unless the security interests have been perfected by registration; or
- (c) by the order of attachment under subsection 1 of section 12, if no security interest has been perfected.

Idem

(2) For the purposes of subsection 1, a continuously perfected security interest shall be treated at all times as if perfected by registration, if it was originally so perfected, and it shall be treated at all times as if perfected otherwise than by registration if it was originally perfected otherwise than by registration.

Priority
of security
interests,
fixtures

36.—(1) Subject to subsection 3 of this section and notwithstanding subsection 3 of section 34, a security interest that attached to goods before they became fixtures has priority as to the goods over the claim of any person who has an interest in the real property.

Idem

(2) Subject to subsection 3, a security interest that attached to goods after they became fixtures has priority over the claim of any person who subsequently acquired an interest in the

real property, but not over any person who had a registered interest in the real property at the time the security interest attached to the goods and who has not consented in writing to the security interest or disclaimed an interest in the goods as fixtures.

(3) The security interests referred to in subsections 1 and 2 ^{Exceptions} are subordinate to the interest of,

- (a) a subsequent purchaser or mortgagee for value of an interest in the real property;
- (b) a creditor with a lien on the real property subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior encumbrance of record on the real property in respect of subsequent advances,

if the subsequent purchase or mortgage was made or the lien was obtained or the subsequent advance under the prior encumbrance was made or contracted for, as the case may be, without actual notice of the security interest.

(4) If a secured party, by virtue of subsection 1 or 2 and subsection 3, has priority over the claim of a person having an interest in the real property, he may on default, subject to the provisions of this Act respecting default, remove his collateral from the real property if, unless otherwise agreed, he reimburses any encumbrancer or owner of the real property who is not the debtor for the cost of repairing any physical injury excluding diminution in the value of the real property caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection. ^{Removal of collateral}

(5) A person having an interest in real property that is subordinate to a security interest by virtue of subsection 1 or 2 and subsection 3 may, before the collateral has been removed from the real property by the secured party in accordance with subsection 4, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim. ^{Retention of collateral}

37.—(1) Subject to subsection 2 and to section 38 and ^{Accessions} notwithstanding subsection 3 of section 34,

- (a) a security interest in an accession that attached before the goods became an accession has priority as to the accession over the claim of any person in respect of the whole; and
- (b) a security interest in goods that attached after the goods became an accession has priority over the claim of any person who subsequently acquired an interest in the whole, but not against a person who had an interest in the whole at the date of attachment of the security interest in the accession and who has not consented in writing to the security interest in the accession or disclaimed an interest in the accession as part of the whole.

Exceptions

(2) A security interest referred to in subsection 1 is subordinate to the interest of,

- (a) a subsequent purchaser for value of an interest in the whole; or
- (b) a creditor with a lien on the whole, subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances,

if the subsequent purchase was made, the lien was obtained or the subsequent advance under the prior perfected security interest was made or contracted for without notice of the security interest.

Removal of collateral

(3) If a secured party, by virtue of subsections 1 and 2, has an interest in an accession that has priority over the claim of any person having an interest in the whole, he may, on default, subject to the provisions of this Act respecting default, remove his collateral from the whole if, unless otherwise agreed, he reimburses any encumbrancer or owner of the whole who is not the debtor for the cost of repairing any physical injury excluding diminution in value of the whole caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection.

Retention of collateral

(4) A person having a security interest in the whole that is subordinate to a security interest by virtue of subsections 1 and 2 may, before the collateral has been removed

by the secured party in accordance with subsection 3, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim.

38. A perfected security interest in goods that subsequently become part of a product or mass continues in the product or mass if the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass, and, if more than one security interest attaches to the product or mass, the security interests rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass. ^{Commingled goods}

39. A secured party may, in the security agreement or otherwise, subordinate his security interest to any other security interest. ^{Priority subject to subordination}

40.—(1) Unless an account debtor has made an enforceable agreement not to assert defences or claims arising out of a sale as provided by section 16, the rights of an assignee are subject to, ^{Account debtors}

(a) all the terms of the contract between the account debtor and the assignor and any defence or claim arising therefrom; and

(b) any other defence or claim of the account debtor against the assignor that accrued before the account debtor received notice of the assignment.

(2) The account debtor may pay the assignor until the account debtor receives notice, reasonably identifiable with the relevant rights, that the account has been assigned, and, if requested by the account debtor, the assignee shall furnish proof within a reasonable time that the assignment has been made, and, if he does not do so, the account debtor may pay the assignor. ^{Idem}

PART IV

REGISTRATION

41.—(1) A registration system, including a central office and branch offices, shall be established for the purposes of this Act. ^{Registration system}

(2) The central office of the registration system shall be located at or near the City of Toronto. ^{Central office}

Branch
offices

(3) Branch offices of the registration system shall be established at such places as are designated by the regulations.

Registrar,
appointment

42.—(1) There shall be a registrar of personal property security and a branch registrar for each branch office.

function

(2) It shall be the function of the registrar, under the direction of the Inspector of Legal Offices, to supervise the operation of the registration system established for the purposes of this Act.

seal of
office

(3) The registrar and each branch registrar shall have a seal of office in such form as the Lieutenant Governor in Council approves.

Signing
officers

43. The registrar and each branch registrar may designate one or more persons on the staff of his office to act on his behalf.

Registrar's
certificate

44.—(1) Upon the request of any person and upon payment of the prescribed fee,

- (a) the registrar shall issue a certificate stating whether there is registered at the time mentioned in the certificate a security agreement or other document in which the person named in the certificate is shown as a debtor and, if there is, the registration number of it, and any other information recorded in the central office of the registrationsystem;
- (b) any registered security agreement or other document shall be provided for inspection at the branch office where it was registered; and
- (c) a certified copy of any security agreement or other document shall be furnished at the branch office where it was registered.

Proof of
certificates

(2) A certificate issued under clause *a* of subsection 1 is *prima facie* evidence of the contents thereof.

Proof of
certified
copies

(3) A certified copy furnished under clause *c* of subsection 1 is *prima facie* evidence of the contents of the document so certified.

Assurance
Fund

45.—(1) There shall be an account in the Consolidated Revenue Fund to be known as "The Personal Property Security Assurance Fund", referred to in this section as "the Fund", into which shall be paid the prescribed portion of the fees received under this Act.

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year. Interest

(3) Any person who suffers loss or damage as a result of his reliance upon a certificate of the registrar issued under section 45 that is incorrect because of an error or omission in the operation of the system of registration, recording, and production of information under this Part, is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he makes a claim therefor under subsection 4 within one year from the time of his having suffered the loss or damage. Persons suffering damage to be compensated

(4) A person claiming to be entitled to payment of compensation out of the Fund shall make application therefor in writing to the registrar, setting out therein his full name and address and the particulars of his claim. Claim for compensation

(5) The registrar shall refer the application to the Master of the Supreme Court who shall issue such directions as he thinks proper, hold a hearing, determine the claimant's entitlement to compensation, the amount thereof, and, if awarded, the costs of the proceedings. Reference to Master

(6) The Master shall make his findings and embody his conclusions in the form of a certificate and send by registered mail one copy thereof to the claimant at the address shown in the application and one copy to the registrar. Master's certificate

(7) The certificate of the Master shall be deemed to be confirmed at the expiration of thirty days from the date of mailing it to the claimant, unless notice of appeal is served within that time. Confirmation of certificate

(8) The claimant or the registrar may appeal to the Court of Appeal at any time before the certificate of the Master is confirmed, and the procedure thereon shall be the same as upon an appeal from a report when a whole action has been referred under section 69 of *The Judicature Act*. Appeal

R.S.O. 1960,
c. 197

(9) When the registrar receives a certificate of the Master under subsection 6 and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the registrar shall certify to the Treasurer of Ontario the sum found to be payable, including any costs awarded to the claimant, and the Treasurer shall pay such sum to the claimant out of the Fund. Payment out of Fund

Where documents to be registered, effective time of registration

46. Documents to be registered under this Act shall be tendered for registration at any branch office established under subsection 3 of section 41, but registration is effective only from the time of the recording of the prescribed particulars thereof in the central office and the assignment thereto of a registration number.

Documents to be registered, security agreement or copy

47.—(1) In order to register under this Act for the purpose of perfecting a security interest, the security agreement or a copy thereof signed by the debtor shall, subject to subsection 3, be registered, and it shall contain and legibly set forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party;
- (c) the date of execution of the security agreement;
- (d) a description of the collateral sufficient to identify it; and
- (e) the terms and conditions of the security agreement.

Idem, notice of intention

(2) Where the collateral is goods to be held for sale or lease, a notice of intention to give security signed by the debtor, which contains and legibly sets forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party; and
- (c) a description of the collateral sufficient to identify it,

may, in lieu of the security agreement under subsection 1, be registered before a security agreement is signed or a security interest otherwise attaches, in order to perfect a security interest in such goods.

Where collateral brought into Ontario

(3) Where the collateral was subject to a security interest in an other jurisdiction at the time the collateral was brought into Ontario or where it is desired to perfect a security interest in the proceeds of collateral included in an already perfected security interest, the secured party may register a copy of the security agreement signed by the debtor or a caution in the prescribed form.

What constitutes registration

(4) Registration of a copy of the security agreement signed by the debtor, a notice of intention signed by the debtor or a caution under this section constitutes registration for the purposes of this Act.

(5) Where the collateral is other than instruments, securities, letters of credit, advices of credit, negotiable documents of title or goods to be held for sale or lease with respect to which a notice of intention has been registered, the security agreement shall not be registered after thirty days from the date of its execution. Time limit

(6) An error of a clerical nature or in an immaterial or non-essential part of a security agreement, caution or notice of intention that does not mislead does not invalidate the registration or destroy the effect of the registration. Errors

48.—(1) An assignment, or a copy thereof signed by the secured party of record, of a security agreement, notice of intention or caution may also be registered, if the security agreement, notice of intention or caution has been registered under this Act previous to the registration of the assignment, if the assignment contains and legibly sets forth at least, Assignments

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party of record;
- (c) the full name and address of the assignee; and
- (d) the registration number given at the time of the registration of the security agreement, notice of intention or caution or, if the assignment is presented for registration at the same time as the security agreement or caution, the registration number of the security agreement or caution that is then endorsed thereon.

(2) Upon the registration of an assignment or a copy thereof under subsection 1, the assignee becomes the secured party of record. Idem

49.—(1) Where a security interest has been perfected by registration and the debtor with the consent of the secured party assigns his interest in the collateral, the assignee becomes a debtor and the security interest becomes unperfected unless the secured party registers a notice in the prescribed form within fifteen days of the time he consents to the assignment. Assignment of collateral

(2) Where a security interest has been perfected by registration and the secured party learns that the debtor has assigned his interest in the collateral, the security interest becomes unperfected fifteen days after the secured party learns of the assignment and the name and address of the assignee, unless he registers a notice in the prescribed form within such fifteen days. Where security interest becomes unperfected

**Second
registration**

(3) A security interest that becomes unperfected under subsection 1 or 2 may thereafter be perfected by registering a notice in the prescribed form or as otherwise provided by this Act.

**Amend-
ments**

50. An amendment, or a copy thereof, of a security agreement registered under this Act that refers to the registration number of the security agreement, notice of intention or caution that it amends and that is signed by the secured party of record and by the debtor may be registered at any time during the period that the registration of the security agreement, notice of intention or caution is effective.

**Subordina-
tion**

51. A separate agreement signed by the secured party of record that provides for the subordination of a security interest created or provided for by a security agreement registered under this Act or as to which a notice of intention or caution is registered under this Act and that refers to the registration number of the security agreement, notice of intention or caution may be registered at any time during the period that the registration of the security agreement, notice of intention or caution is effective.

**Renewal
statements**

52. A renewal statement in the prescribed form that is signed by the secured party of record may be registered at any time.

**Effect of
registration**

53.—(1) Where the collateral covered by a security agreement is other than instruments, securities, letters of credit, advices of credit or negotiable documents of title, registration under this Act,

- (a) of a security agreement, notice of intention or caution constitutes notice thereof to all persons claiming any interest in such collateral during the period of three years following such registration;
- (b) of a renewal statement constitutes notice of the security agreement, notice of intention or caution to which it relates to all persons claiming any interest in such collateral during the period of three years following such registration; and
- (c) of any other document constitutes notice thereof to all persons claiming any interest in such collateral during the remainder of the period for which the registration of the security agreement, notice of intention or caution is effective.

(2) Where the collateral is or includes fixtures or goods that ^{Fixtures} may become fixtures, or crops, or oil, gas or other minerals to be extracted, or timber to be cut, the security agreement or any other document that may be registered under this Act containing a description of the land affected sufficient for registration under *The Land Titles Act* or *The Registry Act*, as the case may be, may, whether or not it is registered under this Act, be registered under *The Land Titles Act* or *The Registry Act*. ^{R.S.O. 1960, cc. 204, 348}

54.—(1) Upon performance of all obligations under a ^{Discharge of security agreement} security agreement, it shall be discharged, and, upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement or caution is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge in the prescribed form together with unregistered assignments, if any, of the security agreement.

(2) Where there are no outstanding obligations under any ^{Discharge of notice of intention} security agreement covered by a registered notice of intention, the secured party, upon written demand delivered either personally or by registered mail by a person having an interest in the collateral, shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge of the notice of intention in the prescribed form.

(3) Where it is agreed to release part of the collateral ^{Release of part of collateral} upon payment or performance of certain of the obligations under a security agreement, then, upon payment or performance of such obligations and upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement or caution is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a release in the prescribed form of the collateral as agreed.

(4) Where the secured party, without reasonable excuse, ^{Failure to deliver} fails to deliver the required discharge and assignments or release, as the case may be, within ten days after receipt of a demand therefor under subsection 1, 2 or 3, he shall pay \$100 to the person making the demand and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

Security or
payment
into court

(5) Upon application to the county or district court by originating notice to all persons concerned, the judge may,

- (a) allow security for or payment into court of the amount claimed by the secured party and such costs as he may fix, and thereupon order that the registration of the security agreement, notice of intention or caution be discharged or that a release of collateral be registered, as the case may be; or
- (b) order upon any ground he deems proper that the registration of the security agreement, notice of intention or caution be discharged or that a release of collateral be registered, as the case may be.

Registration
of dis-
charges and
releases

(6) Any discharge of a security agreement or notice of intention and any release of collateral may be registered under this Act.

PART V

DEFAULT—RIGHTS AND REMEDIES

Rights and
remedies
cumulative

55.—(1) The rights and remedies referred to in this Part are cumulative.

Secured
party's
rights and
remedies

(2) Where the debtor is in default under a security agreement, the secured party has, in addition to any other rights and remedies, the rights and remedies provided in the security agreement except as limited by subsection 5, the rights and remedies provided in this Part and, when in possession, the rights, remedies and duties provided in section 19.

Secured
party's
remedies

(3) The secured party may enforce the security interest by any method available in or permitted by law and, if the collateral is or includes documents of title, the secured party may proceed either as to the documents of title or as to the goods covered thereby, and any method of enforcement that is available with respect to the documents of title is also available, *mutatis mutandis*, with respect to the goods covered thereby.

Debtor's
rights and
remedies

(4) Where the debtor is in default under a security agreement, he has, in addition to the rights and remedies provided in the security agreement and any other rights and remedies, the rights and remedies provided in this Part and in section 19.

(5) Except as provided in sections 60 and 61, the provisions of subsections 3, 4 and 5 of section 58 and of sections 59, 60, 61 and 62, to the extent that they give rights to the debtor and impose duties upon the secured party, shall not be waived or varied, but the parties may by agreement determine the standards by which the rights of the debtor and the duties of the secured party are to be measured, so long as such standards are not manifestly unreasonable having regard to the nature of such rights and duties.

Waiver and variation of rights and duties

(6) Where a security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property, in which case this Part does not apply.

Where agreement covers both real and personal property

(7) A security interest does not merge merely because a secured party has reduced his claim to judgment.

No merger in judgment

56.—(1) Where so agreed and in any event upon default under a security agreement, a secured party is entitled,

Collection rights of secured party

(a) to notify any account debtor or any obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral; and

(b) to take control of any proceeds to which he is entitled under section 27.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors on instruments shall proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections.

Idem

57. Upon default under a security agreement,

Secured party's right to take possession upon default

(a) the secured party has, unless otherwise agreed, the right to take possession of the collateral by any method permitted by law;

- (b) if the collateral is equipment and the security interest has been perfected by registration, the secured party may, in a reasonable manner, render such equipment unusable without removal thereof from the debtor's premises, and the secured party shall thereupon be deemed to have taken possession of such equipment; and
- (c) the secured party may dispose of collateral under section 58 on the debtor's premises.

Secured party's right to dispose of collateral upon default

58.—(1) Upon default under a security agreement, the secured party may dispose of any of the collateral in its condition either before or after any commercially reasonable repair, processing or preparation for disposition, and the proceeds of the disposition shall be applied consecutively to,

- (a) the reasonable expenses of retaking, holding, repairing, processing, preparing for disposition and disposing of the collateral and, to the extent provided for in the security agreement and not prohibited by law, any other reasonable expenses incurred by the secured party;
- (b) the satisfaction of the obligation secured by the security interest of the party making the disposition; and
- (c) the satisfaction of the obligation secured by any subordinate security interest in the collateral if written demand therefor is received by the party making the disposition before the distribution of the proceeds is completed.

Request for proof of interest

(2) Where a written demand under clause c of subsection 1 is received by the secured party, he may request the holder of the subordinate security interest to furnish him with reasonable proof of such holder's interest, and, unless such holder furnishes such proof within a reasonable time, the secured party need not comply with such demand.

Methods of disposition

(3) Collateral may be disposed of in whole or in part, and any such disposition may be by public sale, private sale, lease or otherwise and, subject to subsection 5, may be made at any time and place and on any terms so long as every aspect of the disposition is commercially reasonable.

Secured party's right to delay disposition of collateral

(4) The secured party may, subject to subsection 1 of section 60, retain the collateral in whole or in part for such period of time as is commercially reasonable.

(5) Unless the collateral is perishable or unless the secured party believes on reasonable grounds that the collateral will decline speedily in value, the secured party shall give to the debtor and to any other person who has a security interest in the collateral and who has registered a security agreement, notice of intention or caution under this Act indexed in the name of the debtor or who is known by the secured party to have a security interest in the collateral not less than fifteen days notice in writing containing,

Secured party to give notice of disposition of collateral

- (a) a brief description of the collateral;
- (b) the amount required to satisfy the obligation secured by his security interest;
- (c) the amount of the applicable expenses referred to in clause a of subsection 1 or, in a case where the amount of such expenses has not been determined, his reasonable estimate thereof;
- (d) a statement that upon payment of the amounts due the debtor may redeem the collateral;
- (e) a statement that unless the amounts due are paid the collateral will be disposed of and the debtor may be liable for any deficiency; and
- (f) the date, time and place of any public sale or of the date after which any private disposition of the collateral is to be made.

(6) The notice required by subsection 5 shall be served personally upon or left at the residence or last known place of abode of the party to be served or may be sent by registered mail to his last known post office address.

Service of notice

(7) The secured party may purchase the collateral or any part thereof only at a public sale.

Secured party's right to purchase collateral

(8) Where collateral is disposed of in accordance with this section, the disposition discharges the security interest of the secured party making the disposition and, if such disposition is made to a *bona fide* purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

Effect of disposition of collateral

(9) Where collateral is disposed of by a secured party after default otherwise than in accordance with this section, then,

Idem

(a) in the case of a public sale, if the purchaser has no knowledge of any defect in the sale and if he does not purchase in collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith,

the disposition discharges the security interest of the secured party making the disposition and, where the disposition is made to a purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

Certain
transfers of
collateral

(10) A person who is liable to a secured party under a guarantee, endorsement, covenant, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party, and such a transfer of collateral is not a disposition of the collateral.

Surplus

59. Where a security agreement secures an indebtedness and the secured party has dealt with the collateral under section 56 or has disposed of it in accordance with section 58 or otherwise, he shall account for any surplus to any person, other than the debtor, whom the secured party knows to be the owner of the collateral, and, in the absence of such knowledge, he shall account to the debtor for any surplus.

Compulsory
disposition
of collateral,
consumer
goods

60.—(1) Where the security agreement secures an indebtedness and the collateral is consumer goods and the debtor has paid at least 60 per cent of the indebtedness secured and has not signed, after default, a statement renouncing or modifying his rights under this Part, the secured party who has taken possession of the collateral shall, within ninety days after taking possession, dispose of or contract to dispose of the collateral under section 58, and, if he fails to do so, the debtor may proceed under section 62 or in an action for damages or loss sustained.

Retention of
collateral

(2) In any case other than that mentioned in subsection 1, a secured party in possession of the collateral may, after default, propose to retain the collateral in satisfaction of the obligation secured, and notification of such proposal shall be given to the debtor and to any other person whom such secured party knows to be the owner of the collateral and, except in the case of consumer goods, to any other person who has a security interest in the collateral and who has registered a security agreement under this Act indexed in the name of the debtor or who is known by the secured party in possession to have a security interest in the collateral.

(3) If any person entitled to notification under subsection 2 ^{Idem} objects in writing within fifteen days after being notified, the secured party in possession shall dispose of the collateral under section 58, and, in the absence of any such objection, such secured party shall, at the expiration of such period of fifteen days, be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation secured, and thereafter is entitled to hold or dispose of the collateral free of all rights and interests therein of any person entitled to notification under subsection 2 who was given such notification.

61. At any time before the secured party has disposed of the collateral by sale or exchange or contracted for such disposition under section 58 or before the secured party shall be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation under subsection 2 of section 60, the debtor, or any person other than the debtor who is the owner of the collateral, or any secured party other than the secured party in possession, may, unless he has otherwise agreed in writing after default, redeem the collateral by tendering fulfilment of all obligations secured by the collateral together with a sum equal to the reasonable expenses of retaking, holding, repairing, processing, preparing the collateral for disposition and in arranging for its disposition, and, to the extent provided for in the security agreement, the reasonable solicitor's costs and legal expenses. ^{Redemption of collateral}

62.—(1) Where a secured party in possession of collateral is not complying with any of the obligations imposed by section 19 or, after default, is not proceeding in accordance with this Part or the account is disputed, the debtor or any person who is the owner of the collateral or the creditors of either of them or any person other than such secured party who has an interest in the collateral may apply to the Supreme Court or to a county or district court having jurisdiction with respect thereto, and the court may, upon hearing any such application, direct that the secured party comply with the obligations imposed by section 19, or that the collateral be or be not disposed of, or order an account to be taken or make such other or further order as the court deems just. ^{Remedies for failure of secured party to comply with this Part}

(2) If the disposition of the collateral has been made ^{Idem} otherwise than in accordance with this Part,

- (a) the debtor or any other person entitled to notice under subsection 5 of section 58 or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss or damage caused by his failure to comply with this Part; and

- (b) where the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus 10 per cent of the principal amount of the debt or the time price differential plus 10 per cent of the cash price.

Removal of
proceedings
into
Supreme
Court

(3) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than the two days preceding the day of the return of the application, require the proceedings to be removed into the Supreme Court.

Transmission
of
proceedings

(4) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made.

Removal of
proceedings

(5) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings are *ipso facto* removed into the Supreme Court.

Reference
to master

(6) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report.

Appeal

(7) An appeal lies to the Court of Appeal from any order made under this section.

PART VI

MISCELLANEOUS

Extension
of time

63.—(1) Where in this Act any time is prescribed within which or before which any act or thing must be done, a judge on application may, upon such terms and conditions and with such notice, if any, as he may order, extend such time for compliance upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such act or thing done within the period so extended has prejudiced the rights that any person acquired before the doing of such act or thing, such act or thing shall be presumed not to have been done in conformity with this Act for the purpose of obtaining the right that such person acquired before the doing of such act or thing.

(2) A copy of an order made under subsection 1 shall for ^{Idem} purposes of registration be attached to the document to which the order relates.

64. This Act applies only where the security interest ^{Application of Act in respect of attachment} attaches on or after the day on which this section came into force, and, where the security interest attached before this Act came into force, the security interest continues to have such force and effect as if this Act had not been passed.

65. Every security interest that was covered by an un- ^{Transitional provision} expired filing or registration under *The Assignment of Book Debts Act, The Bills of Sale and Chattel Mortgages Act* and *The Conditional Sales Act* when this section came into force shall be deemed to have been registered and perfected under this Act and, subject to this Act, such registration continues the effect of the prior filing or registration for the unexpired portion of the filing or registration period. ^{R.S.O. 1960, cc. 24, 34, 61}

66. Unless otherwise provided by this Act or the regu- ^{Rules of practice} lations, the Rules of Practice and Procedure of the Supreme Court apply to proceedings under this Act.

67. Where books, documents, records, cards or papers have ^{Destruction of documents} been preserved for the purposes of this Act for so long that it appears they need not be preserved any longer, the Inspector of Legal Offices may authorize their destruction.

68. Where there is conflict between a provision of this Act ^{Conflict} and a provision of *The Consumer Protection Act, 1966*, the provision of *The Consumer Protection Act, 1966* prevails and, where there is conflict between a provision of this Act and a provision of any general or special Act, other than *The Consumer Protection Act, 1966*, the provision of this Act prevails. ^{1966, c. 23}

69. The provisions of any general or special Act that relate ^{References} to a security interest and that refer to *The Assignment of Book Debts Act, The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act* or any provision thereof shall be deemed to refer to this Act or to the corresponding provision of this Act, as the case may be, and not to *The Assignment of Book Debts Act, The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act*, as the case may be.

70. The Lieutenant Governor in Council may make regu- ^{Regulations} lations,

(a) designating branch offices;

- (b) approving the form of the seal of the registrar and each branch registrar;
- (c) prescribing the duties of the registrar and branch registrars;
- (d) prescribing business hours for the offices of the registration system or any of them;
- (e) respecting the registration system;
- (f) requiring the payment of fees and prescribing the amounts thereof;
- (g) prescribing the portion of the fees received under this Act that shall be paid into The Personal Property Security Assurance Fund;
- (h) governing practice and procedure applicable to proceedings under this Act;
- (i) prescribing forms and providing for their use;
- (j) prescribing the particulars referred to in section 46;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Expenses
of adminis-
tration

71. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1968, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Commence-
ment

72.—(1) This Act, except sections 1 to 40, 44 and 46 to 69, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 40, 44 and 46 to 69 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

73. This Act may be cited as *The Personal Property Security Act, 1967*.

An Act to reform and make uniform the
Law regarding Security Interests in
Personal Property and Fixtures

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

June 2nd, 1967

MR. WISHART

BILL 89

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Sale of Goods Act

MR. WISHART

EXPLANATORY NOTE

Subsection 2 of section 25 of *The Sale of Goods Act* reads:

- (2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under a sale, pledge or other disposition thereof to a person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, has the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

The purpose of this Bill is to provide the exception to subsection 2 mentioned in the new subsection 2*a*, thus allowing the transactions mentioned in subsection 2*a* to be dealt with under *The Personal Property Security Act, 1967*.

BILL 89

1967

An Act to amend The Sale of Goods Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Sale of Goods Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 358, s. 25,
amended

(2a) Subsection 2 does not apply to goods the possession of which has been obtained by a buyer under a security agreement whereby the seller retains a security interest within the meaning of *The Personal Property Security Act, 1967*, and the rights of the parties shall be determined by that Act. Security
interests
excepted
1967, c. ...

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

3. This Act may be cited as *The Sale of Goods Amendment Act, 1967*. Short title

An Act to amend The Sale of Goods Act

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 89

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
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1967

An Act to amend The Sale of Goods Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Sale of Goods Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 358, s. 25, amended

(2a) Subsection 2 does not apply to goods the possession of which has been obtained by a buyer under a security agreement whereby the seller retains a security interest within the meaning of *The Personal Property Security Act, 1967*, and the rights of the parties shall be determined by that Act. Security interests excepted 1967, c.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Sale of Goods Amendment Act, 1967*. Short title

An Act to amend The Sale of Goods Act

1st Reading

April 19th, 1967

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April 25th, 1967

3rd Reading

June 2nd, 1967

MR. WISHART

BILL 90

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend and to repeal The Assignment of Book Debts Act

MR. WISHART

EXPLANATORY NOTE

This Bill complements Bill 88, An Act to reform and make uniform the Law regarding Security Interests in Personal Property and Fixtures.

It is not intended to bring section 1 into force until the registration system under that Act is in operation.

It is not intended to bring section 3 into force until the transitional three-year period under that Act has expired.

BILL 90

1967

An Act to amend and to repeal The Assignment of Book Debts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Assignment of Book Debts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 24, s. 17,
re-enacted

17. The proper officer is entitled for services under this Fees
Act to the fees prescribed by the regulations made
under *The Personal Property Security Act, 1967*. 1967, c. ...

2. *The Assignment of Book Debts Act* is amended by adding R.S.O. 1960,
c. 24,
amended
thereto the following sections:

20. An assignment shall not be registered on or after Conditions
precedent to
registration
the 1st day of January, 1968, unless, in addition to
the other requirements of this Act, it contains and
legibly sets forth at least,

- (a) the full name and address of the assignor;
- (b) the full name and address of the assignee;
- (c) the date of execution of the assignment;
- (d) a description of the book debts assigned
sufficient to identify them; and
- (e) the terms and conditions of the assignment.

21.—(1) Every registration made under this Act before Expiry
of existing
registrations
the 1st day of January, 1968, expires on the anni-
versary date of the original registration next after
the 1st day of January, 1971, unless a renewal
statement in the prescribed form containing the
particulars mentioned in section 20 is registered
before such anniversary date.

Idem,
future
registrations

- (2) Every registration made under this Act on or after the 1st day of January, 1968, expires three years after the date of registration, unless a renewal statement in the prescribed form is registered before the three-year period expires.

Effect of
registration
of renewal
statement

- (3) The registration of a renewal statement extends the effect of the original registration for three years from the date of registration of the renewal statement, and so on from time to time.

Extension
of time

- (4) Where a renewal statement is not registered within the time prescribed by this section, a judge of a county or district court on application may, upon such terms and conditions and with such notice, if any, as he may order, extend the time for registration upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such registration within the period so extended has prejudiced the rights that any person acquired before the registration, such registration shall be presumed not to have been done in conformity with this Act for the purpose of determining the rights that such person acquired before the registration.

Idem

- (5) A copy of an order made under subsection 4 shall for the purposes of registration be attached to the renewal statement to which the order relates.

R.S.O. 1960,
c. 24;
1967, c. ...
ss. 1, 2,
repealed
1967, c. ...

3. *The Assignment of Book Debts Act* and sections 1 and 2 of this Act are repealed and, when repealed, any reference in any Act or regulation to *The Assignment of Book Debts Act* shall be deemed to be a reference to *The Personal Property Security Act, 1967*.

Commence-
ment

4.—(1) This Act, except sections 1 and 3, comes into force on the 1st day of January, 1968.

Idem

(2) Sections 1 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Assignment of Book Debts Amendment and Repeal Act, 1967*.

An Act to amend and to repeal
The Assignment of Book Debts Act

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 90

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend and to repeal The Assignment of Book Debts Act

MR. WISHART

BILL 90

1967

An Act to amend and to repeal The Assignment of Book Debts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Assignment of Book Debts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 24, s. 17,
re-enacted

17. The proper officer is entitled for services under this Fees
Act to the fees prescribed by the regulations made
under *The Personal Property Security Act, 1967*. 1967, c. ...

2. *The Assignment of Book Debts Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 24,
amended

20. An assignment shall not be registered on or after the 1st day of January, 1968, unless, in addition to the other requirements of this Act, it contains and legibly sets forth at least, Conditions
precedent to
registration

(a) the full name and address of the assignor;

(b) the full name and address of the assignee;

(c) the date of execution of the assignment;

(d) a description of the book debts assigned sufficient to identify them; and

(e) the terms and conditions of the assignment.

21.—(1) Every registration made under this Act before the 1st day of January, 1968, expires on the anniversary date of the original registration next after the 1st day of January, 1971, unless a renewal statement in the prescribed form containing the particulars mentioned in section 20 is registered before such anniversary date. Expiry
of existing
registrations

Idem,
future
registrations

- (2) Every registration made under this Act on or after the 1st day of January, 1968, expires three years after the date of registration, unless a renewal statement in the prescribed form is registered before the three-year period expires.

Effect of
registration
of renewal
statement

- (3) The registration of a renewal statement extends the effect of the original registration for three years from the date of registration of the renewal statement, and so on from time to time.

Extension
of time

- (4) Where a renewal statement is not registered within the time prescribed by this section, a judge of a county or district court on application may, upon such terms and conditions and with such notice, if any, as he may order, extend the time for registration upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such registration within the period so extended has prejudiced the rights that any person acquired before the registration, such registration shall be presumed not to have been done in conformity with this Act for the purpose of determining the rights that such person acquired before the registration.

Idem

- (5) A copy of an order made under subsection 4 shall for the purposes of registration be attached to the renewal statement to which the order relates.

R.S.O. 1960,
c. 24;
1967, c. ...
ss. 1, 2,
repealed
1967, c. ...

3. *The Assignment of Book Debts Act* and sections 1 and 2 of this Act are repealed and, when repealed, any reference in any Act or regulation to *The Assignment of Book Debts Act* shall be deemed to be a reference to *The Personal Property Security Act, 1967*.

Commence-
ment

4.—(1) This Act, except sections 1 and 3, comes into force on the 1st day of January, 1968.

Idem

(2) Sections 1 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Assignment of Book Debts Amendment and Repeal Act, 1967*.

An Act to amend and to repeal
The Assignment of Book Debts Act

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

June 2nd, 1967

MR. WISHART

BILL 91

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend and to repeal The Conditional Sales Act

MR. WISHART

EXPLANATORY NOTE

This Bill complements Bill 88, An Act to reform and make uniform the Law regarding Security Interests in Personal Property and Fixtures.

It is not intended to bring section 3 into force until the registration system under that Act is in operation.

It is not intended to bring section 4 into force until the transitional three-year period under that Act has expired.

BILL 91

1967

An Act to amend and to repeal The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Conditional Sales Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 61, s. 2,
subs. 1,
cl. a,
re-enacted

(a) in the case of registration on or after the 1st day of January, 1968, the contract is evidenced by a writing signed by the purchaser or his agent and containing and legibly setting forth at least, the contract
is in writing

(i) the full name and address of the purchaser,

(ii) the full name and address of the seller and of his assignee, if any,

(iii) the date of execution of the contract,

(iv) a description of the goods sold sufficient to identify them, and

(v) the terms and conditions of the contract; and

2. Subsection 1 of section 5 of *The Conditional Sales Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 61, s. 5,
subs. 1,
re-enacted

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within Renewal
statement
to be filed

thirty days next preceding the expiration of three years from the day of the registration of such copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered containing and legibly setting forth at least,

- (a) the full name and address of the purchaser;
- (b) the full name and address of the seller and of his assignee, if any;
- (c) the registration number of the original copy of the contract and the name of the office in which the copy was registered;
- (d) a description of the goods sold sufficient to identify them; and
- (e) the amount of the contract price and an itemized statement of all payments, if any, made on account thereof, and the unpaid balance.

R.S.O. 1960,
c. 61, s. 6,
re-enacted

3. Section 6 of *The Conditional Sales Act* is repealed and the following substituted therefor:

Index
book

6.—(1) The clerk of a county or district court shall make a record of every contract or renewal statement of which a copy is registered in his office under this Act in an index book to be kept for that purpose.

Fees

(2) The clerk is entitled for services under this Act to the fees prescribed by the regulations made under *The Personal Property Security Act, 1967*.

1967, c. . . .

R.S.O. 1960,
c. 61;
1962-63,
c. 18;
1966, c. 20;
1967, c. . . .
ss. 1-3,
repealed

4. *The Conditional Sales Act, The Conditional Sales Amendment Act, 1962-63 and The Conditional Sales Amendment Act, 1966* and sections 1, 2 and 3 of this Act are repealed and, when repealed, any reference in any Act or regulation to *The Conditional Sales Act* shall be deemed to be a reference to *The Personal Property Security Act, 1967*.

1967, c. . . .

Commence-
ment

5.—(1) This Act, except sections 3 and 4, comes into force on the 1st day of January, 1968.

Idem

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Conditional Sales Amendment and Repeal Act, 1967*.

An Act to amend and to repeal
The Conditional Sales Act

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 91

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend and to repeal The Conditional Sales Act

MR. WISHART

BILL 91

1967

An Act to amend and to repeal The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Conditional Sales Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 61, s. 2,
subs. 1,
cl. a,
re-enacted

(a) in the case of registration on or after the 1st day of January, 1968, the contract is evidenced by a writing signed by the purchaser or his agent and containing and legibly setting forth at least, the contract
is in writing

(i) the full name and address of the purchaser,

(ii) the full name and address of the seller and of his assignee, if any,

(iii) the date of execution of the contract,

(iv) a description of the goods sold sufficient to identify them, and

(v) the terms and conditions of the contract; and

2. Subsection 1 of section 5 of *The Conditional Sales Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 61, s. 5,
subs. 1,
re-enacted

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within Renewal
statement
to be filed

thirty days next preceding the expiration of three years from the day of the registration of such copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered containing and legibly setting forth at least,

- (a) the full name and address of the purchaser;
- (b) the full name and address of the seller and of his assignee, if any;
- (c) the registration number of the original copy of the contract and the name of the office in which the copy was registered;
- (d) a description of the goods sold sufficient to identify them; and
- (e) the amount of the contract price and an itemized statement of all payments, if any, made on account thereof, and the unpaid balance.

R.S.O. 1960,
c. 61, s. 6,
re-enacted

3. Section 6 of *The Conditional Sales Act* is repealed and the following substituted therefor:

Index
book

6.—(1) The clerk of a county or district court shall make a record of every contract or renewal statement of which a copy is registered in his office under this Act in an index book to be kept for that purpose.

Fees

(2) The clerk is entitled for services under this Act to the fees prescribed by the regulations made under *The Personal Property Security Act, 1967*.

1967, c. ...

R.S.O. 1960,
c. 61;
1962-63,
c. 18;
1966, c. 20;
1967, c.
ss. 1-3,
repealed

4. *The Conditional Sales Act, The Conditional Sales Amendment Act, 1962-63 and The Conditional Sales Amendment Act, 1966* and sections 1, 2 and 3 of this Act are repealed and, when repealed, any reference in any Act or regulation to *The Conditional Sales Act* shall be deemed to be a reference to *The Personal Property Security Act, 1967*.

1967, c. ...

Commence-
ment

5.—(1) This Act, except sections 3 and 4, comes into force on the 1st day of January, 1968.

Idem

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Conditional Sales Amendment and Repeal Act, 1967*.

An Act to amend and to repeal
The Conditional Sales Act

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

June 2nd, 1967

MR. WISHART

BILL 92

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend and to repeal The Bills of Sale and Chattel Mortgages Act

MR. WISHART

EXPLANATORY NOTE

This Bill complements Bill 88, An Act to reform and make uniform the Law regarding Security Interests in Personal Property and Fixtures.

It is not intended to bring section 2 into force until the registration system under that Act is in operation.

It is not intended to bring section 4 into force until the transitional three-year period under that Act has expired.

See also Bill 93, An Act respecting Bills of Sale.

BILL 92

1967

**An Act to amend and to repeal
The Bills of Sale and Chattel Mortgages Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1960,
c. 34, s. 13,
re-enacted is repealed and the following substituted therefor:

13. Every mortgage, conveyance, agreement or renewal statement required to be registered under this Act on or after the 1st day of January, 1968, shall, in addition to the other requirements of this Act, contain and legibly set forth at least, Contents of documents required to be registered

- (a) the full name and address of the mortgagor or bargainor;
- (b) the full name and address of the mortgagee or bargainee and of his assignee, if any;
- (c) the date of execution of the mortgage, conveyance or agreement;
- (d) a description of the goods and chattels mortgaged or sold sufficient to identify them; and
- (e) the terms and conditions of the mortgage, conveyance or agreement.

2. Section 35 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1960,
c. 34, s. 35,
re-enacted is repealed and the following substituted therefor:

35. The clerk is entitled for services under this Act in connection with chattel mortgages to the fees prescribed by the regulations made under *The Personal Property Security Act, 1967*. Fees 1967, c. ...

R.S.O. 1960, c. 34, amended **3.** *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following section:

Renewals
are for
3 years
after
Jan. 1, 1971

36. Notwithstanding anything in this Act, the registration of a chattel mortgage or a renewal statement registered under this Act on or after the 1st day of January, 1971, has effect for three years after the date of the registration instead of one year as provided by section 24.

R.S.O. 1960, c. 34;
1960-61, c. 6;
1966, c. 13;
1967, c. . . . ,
ss. 1, 2, . . . ,
repealed

4. *The Bills of Sale and Chattel Mortgages Act, The Bills of Sale and Chattel Mortgages Amendment Act, 1960-61, The Bills of Sale and Chattel Mortgages Amendment Act, 1966* and sections 1 and 2 of this Act are repealed and, when repealed, any reference in any Act or regulation to *The Bills of Sale and Chattel Mortgages Act* as it applies to chattel mortgages shall be deemed to be a reference to *The Personal Property Security Act, 1967* and as it applies to bills of sale shall be deemed to be a reference to *The Bills of Sale Act, 1967*.

1967,
cc.

Commence-
ment

5.—(1) This Act, except sections 2, 3 and 4, comes into force on the 1st day of January, 1968.

Idem

(2) Sections 2 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(3) Section 3 comes into force on the 1st day of January, 1971.

Short title

6. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967*.

An Act to amend and to repeal The Bills
of Sale and Chattel Mortgages Act

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 92

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend and to repeal The Bills of Sale and Chattel Mortgages Act

MR. WISHART

BILL 92

1967

**An Act to amend and to repeal
The Bills of Sale and Chattel Mortgages Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1960,
c. 34, s. 13,
re-enacted is repealed and the following substituted therefor:

13. Every mortgage, conveyance, agreement or renewal statement required to be registered under this Act on or after the 1st day of January, 1968, shall, in addition to the other requirements of this Act, contain and legibly set forth at least, Contents of documents required to be registered

- (a) the full name and address of the mortgagor or bargainor;
- (b) the full name and address of the mortgagee or bargainee and of his assignee, if any;
- (c) the date of execution of the mortgage, conveyance or agreement;
- (d) a description of the goods and chattels mortgaged or sold sufficient to identify them; and
- (e) the terms and conditions of the mortgage, conveyance or agreement.

2. Section 35 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1960,
c. 34, s. 35,
re-enacted is repealed and the following substituted therefor:

35. The clerk is entitled for services under this Act in connection with chattel mortgages to the fees prescribed by the regulations made under *The Personal Property Security Act, 1967*. Fees 1967, c. ...

R.S.O. 1960, c. 34, amended **3.** *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following section:

Renewals
are for
3 years
after
Jan. 1, 1971

36. Notwithstanding anything in this Act, the registration of a chattel mortgage or a renewal statement registered under this Act on or after the 1st day of January, 1971, has effect for three years after the date of the registration instead of one year as provided by section 24.

R.S.O. 1960, c. 34;
1960-61, c. 6;
1966, c. 13;
1967, c. ...
ss. 1, 2, repealed

4. *The Bills of Sale and Chattel Mortgages Act, The Bills of Sale and Chattel Mortgages Amendment Act, 1960-61, The Bills of Sale and Chattel Mortgages Amendment Act, 1966* and sections 1 and 2 of this Act are repealed and, when repealed, any reference in any Act or regulation to *The Bills of Sale and Chattel Mortgages Act* as it applies to chattel mortgages shall be deemed to be a reference to *The Personal Property Security Act, 1967* and as it applies to bills of sale shall be deemed to be a reference to *The Bills of Sale Act, 1967*.

1967,
cc.

Commence-
ment

5.—(1) This Act, except sections 2, 3 and 4, comes into force on the 1st day of January, 1968.

Idem

(2) Sections 2 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(3) Section 3 comes into force on the 1st day of January, 1971.

Short title

6. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967*.

An Act to amend and to repeal The Bills
of Sale and Chattel Mortgages Act

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

June 2nd, 1967

MR. WISHART

BILL 93

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act respecting Bills of Sale

MR. WISHART

EXPLANATORY NOTE

The purpose of this Bill is to provide for the registration of bills of sale where the goods sold are retained in the possession of the seller.

This new Act will replace the provisions of *The Bills of Sale and Chattel Mortgages Act* with respect to such bills of sale. The provisions of that Act with respect to chattel mortgages will be replaced by *The Personal Property Security Act, 1967* (See Bill 88).

Provision is made to limit the effectiveness of registrations under the new Act to three years, subject to renewal for three-year periods.

It is not intended to bring this Act into force until *The Personal Property Security Act, 1967* is in force and *The Bills of Sale and Chattel Mortgages Act* is repealed.

An Act respecting Bills of Sale

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

- (a) "actual and continued change of possession" means such change of possession as is open and reasonably sufficient to afford public notice thereof;
- (b) "creditors" includes creditors of a seller suing on behalf of themselves and other creditors, an assignee in insolvency or trustee in bankruptcy of a seller, the liquidator of a company in a winding-up proceeding under the *Winding-up Act* (Canada), and an assignee for the general benefit of creditors, as well as creditors having executions against the goods of a seller in the hands of a sheriff or other officer; R.S.C. 1952,
c. 296
- (c) "goods" has the same meaning as in *The Sale of Goods Act*. R.S.O. 1960,
c. 358
R.S.O. 1960, c. 34, s. 1, *part, amended*.

2. This Act does not apply to an assignment for the general benefit of creditors to which *The Assignments and Preferences Act* applies. Assignment
for benefit
of creditors
excepted
R.S.O. 1960,
c. 25
R.S.O. 1960, c. 34, s. 2.

3. Every sale of goods, not accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods sold, shall be evidenced by a writing signed by the seller, and such writing is a bill of sale under this Act, and such bill of sale, accompanied by an affidavit of an attesting witness thereto of the due execution of the bill of sale and an affidavit of the buyer that the sale is *bona fide* and for good consideration, as set forth in the bill of sale, and not for the purpose of holding or enabling the buyer to hold the goods mentioned therein against the creditors of the seller, Sale of
goods not
attended
with
delivery

shall be registered as provided by this Act; otherwise the sale is void as against the creditors of the seller and as against subsequent buyers and mortgagees in good faith. R.S.O. 1960, c. 34, s. 8, *amended*.

Effect of
agreement
to make a
sale

4. Every covenant, promise or agreement to make a sale of goods shall be evidenced by a writing and shall be deemed to be a sale of goods within the meaning of this Act. R.S.O. 1960, c. 34, s. 20, *amended*.

Bills of
sale of
goods not in
possession
of seller
or intended
for future
delivery

5. This Act applies to a sale of goods that may not be the property of or in the possession, custody or control of the seller or any person on his behalf at the time of the sale, and notwithstanding that the goods may be intended to be delivered at some future time, or that they may not at the time of the sale be actually procured or provided or fit or ready for delivery, or that some act may be required for the making or completing of the goods or rendering them fit for delivery. R.S.O. 1960, c. 34, s. 14, *amended*.

When sub-
sequent
possession
not to
validate
sale other-
wise void

6. A sale of goods that is void under this Act shall not by the subsequent taking of possession of the goods by the buyer be thereby made valid as against persons who became creditors, buyers or mortgagees in good faith before such taking of possession. R.S.O. 1960, c. 34, s. 27, *amended*.

Effect
of bill
of sale

7. Except as otherwise provided by this or any other Act, a bill of sale is effective according to its terms between the parties to it and against third parties. *New*.

Where
bills of
sale, etc.,
to be
registered

8.—(1) Subject to subsection 2, bills of sale and renewal statements under this Act shall be registered in the office of the clerk of the county or district court of the county or district in which the goods sold are situate at the time of the execution of the bill of sale.

Haliburton

(2) Where the goods are situate in the Provisional County of Haliburton, bills of sale and renewal statements shall be registered in the office of the clerk of the county court of the County of Victoria. R.S.O. 1960, c. 34, s. 21 (1, 2), *amended*.

Limitation
of time for
registration

9.—(1) In the case of a county, a bill of sale shall be registered within five days from the execution thereof.

Haliburton
and
districts

(2) In the case of the Provisional County of Haliburton or of a district, a bill of sale shall be registered within ten days from the execution thereof.

(3) Where there are more sellers than one, the time shall be computed from the execution of the instrument by the last seller who executed it. R.S.O. 1960, c. 34, s. 21 (3, 4, 7), *amended*. Computation of time for registration

10.—(1) Where a bill of sale is not registered within the time prescribed by this Act, a judge of a county or district court on application may, upon such terms and conditions and with such notice, if any, as he may order, extend the time for registration upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that the late registration has prejudiced the rights that any person acquired before the late registration, the late registration shall be presumed not to have been done in conformity with this Act, and the rights that such person acquired before the late registration shall be determined on that basis. R.S.O. 1960, c. 34, s. 10, *amended*. Extension of time

(2) A copy of an order made under subsection 1 shall for the purpose of registration be attached to the bill of sale to which the order relates. *New*. Idem

11. A bill of sale shall not be registered unless, in addition to the other requirements of this Act, it contains and legibly sets forth at least, Contents of bill of sale for registration

- (a) the full name and address of the seller;
- (b) the full name and address of the buyer;
- (c) the date of execution of the bill of sale;
- (d) a description of the goods sold sufficient to identify them; and
- (e) the terms and conditions of the bill of sale. *New*.

12.—(1) An affidavit of *bona fides* required by section 3 may be made by one of two or more buyers or by his or their agent if its deponent is aware of all the circumstances connected with the bill of sale and is authorized in writing to take the bill of sale. Who may make affidavits of bona fides

(2) If a bill of sale under this Act is made to a corporation, the affidavit of *bona fides* may be made by any officer or agent thereof authorized to do so by resolution of the directors. In the case of a corporation

(3) Where an affidavit of *bona fides* is made by an agent of the buyer or by an officer or agent of a corporation, it shall state that the deponent is aware of all the circumstances Affidavits made by agents or officers

connected with the bill of sale and has personal knowledge of the facts deposed to.

Branch
managers,
etc., may
make affi-
davit of
bona fides

(4) When a bill of sale is made to a corporation having branches, agencies or offices opened pursuant to statutory authority, the affidavit of *bona fides* may be made by the manager, assistant manager or accountant of any such branch, agency or office without being authorized so to do by resolution of the directors, and the affidavit shall state that the deponent is aware of all the circumstances connected with the bill of sale and has personal knowledge of the facts deposed to. R.S.O. 1960, c. 34, s. 15 (1-4), *amended*.

Agent's
authority
to be
attached
to bill
of sale

(5) A copy of an authority referred to in this section shall, for the purposes of registration, be attached to the bill of sale to which the authority relates. R.S.O. 1960, c. 34, s. 16, *amended*.

Affidavit of
executor,
etc.

(6) An affidavit of *bona fides* may, in the case of the death of the buyer, be made by any of his next of kin or by his executor or administrator if the deponent is aware of all the circumstances connected with the bill of sale. R.S.O. 1960, c. 34, s. 17, *amended*.

Expiry of
existing
registrations
R.S.O. 1960,
c. 34

13.—(1) The registration of every bill of sale made under *The Bills of Sale and Chattel Mortgages Act* before the day on which this section comes into force expires on the third anniversary date of the original registration after that day unless a renewal statement in the prescribed form containing the particulars mentioned in section 11 is registered before such anniversary date.

Idem,
future
registrations

(2) Every registration made under this Act expires three years after the date of registration, unless a renewal statement in the prescribed form is registered before the three-year period expires.

Effect of
registration
of renewal
statement

(3) The registration of a renewal statement extends the effect of the original registration for three years from the date of registration of the renewal statement, and so on from time to time.

Extension
of time

(4) Where a renewal statement is not registered within the time prescribed by this section, a judge of a county or district court on application may, upon such terms and conditions and with such notice, if any, as he may order, extend the time for registration upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such registration within

the period so extended has prejudiced the rights that any person acquired before the registration, such registration shall be presumed not to have been done in conformity with this Act for the purpose of determining the rights that such person acquired before the registration.

(5) A copy of an order made under subsection 4 shall for ^{Idem} the purposes of registration be attached to the renewal statement to which the order relates. *New.*

14.—(1) Upon the request of any person, the clerk shall ^{Certified copies} furnish a copy of any document registered in his office under this Act, and of any endorsement thereon, certified under his hand and the seal of the court. *New.*

(2) A copy of any document and of any endorsement there- ^{Proof of registration} on certified under subsection 1 is *prima facie* evidence that the document was registered according to the endorsement thereon. R.S.O. 1960, c. 34, s. 31, *amended.*

15. The clerk shall make an entry of every bill of sale ^{Index} and renewal statement registered in his office under this Act in an index to be kept for that purpose. *New.*

16. During the regular office hours of the clerk, any person ^{Inspection of index} may require a search to be made of the index of documents registered under this Act and may inspect any document registered under this Act. R.S.O. 1960, c. 34, s. 34 (1, 3), *amended.*

17. The clerk is entitled for services under this Act to ^{Fees} the fees prescribed by the regulations made under this Act. R.S.O. 1960, c. 34, s. 35, *amended.*

18. The Lieutenant Governor in Council may make regula- ^{Regulations} tions,

- (a) requiring the payment of fees and prescribing the amounts thereof;
 - (b) prescribing forms and providing for their use;
 - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- New.*

19. The Lieutenant Governor in Council may make regu- ^{Fees during transitional period} lations requiring the payment of fees and prescribing the amounts thereof for services under *The Bills of Sale and Chattel Mortgages Act* in connection with bills of sale. *New.* R.S.O. 1960, c. 34

**Commence-
ment** **20.**—(1) This Act, except section 19, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem (2) Section 19 comes into force on the day upon which
1967, c. ... section 2 of *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967* comes into force.

Short title **21.** This Act may be cited as *The Bills of Sale Act, 1967*.

An Act respecting Bills of Sale

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. WISHART

BILL 93

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act respecting Bills of Sale

MR. WISHART

An Act respecting Bills of Sale

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

- (a) "actual and continued change of possession" means such change of possession as is open and reasonably sufficient to afford public notice thereof;
- (b) "creditors" includes creditors of a seller suing on behalf of themselves and other creditors, an assignee in insolvency or trustee in bankruptcy of a seller, the liquidator of a company in a winding-up proceeding under the *Winding-up Act* (Canada), and an assignee for the general benefit of creditors, as well as creditors having executions against the goods of a seller in the hands of a sheriff or other officer; R.S.C. 1952,
c. 296
- (c) "goods" has the same meaning as in *The Sale of Goods Act*. R.S.O. 1960,
c. 358
R.S.O. 1960, c. 34, s. 1, *part, amended*.

2. This Act does not apply to an assignment for the general benefit of creditors to which *The Assignments and Preferences Act* applies. Assignment
for benefit
of creditors
excepted
R.S.O. 1960,
c. 25
R.S.O. 1960, c. 34, s. 2.

3. Every sale of goods, not accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods sold, shall be evidenced by a writing signed by the seller, and such writing is a bill of sale under this Act, and such bill of sale, accompanied by an affidavit of an attesting witness thereto of the due execution of the bill of sale and an affidavit of the buyer that the sale is *bona fide* and for good consideration, as set forth in the bill of sale, and not for the purpose of holding or enabling the buyer to hold the goods mentioned therein against the creditors of the seller, Sale of
goods not
attended
with
delivery

shall be registered as provided by this Act; otherwise the sale is void as against the creditors of the seller and as against subsequent buyers and mortgagees in good faith. R.S.O. 1960, c. 34, s. 8, *amended*.

Effect of
agreement
to make a
sale

4. Every covenant, promise or agreement to make a sale of goods shall be evidenced by a writing and shall be deemed to be a sale of goods within the meaning of this Act. R.S.O. 1960, c. 34, s. 20, *amended*.

Bills of
sale of
goods not in
possession
of seller
or intended
for future
delivery

5. This Act applies to a sale of goods that may not be the property of or in the possession, custody or control of the seller or any person on his behalf at the time of the sale, and notwithstanding that the goods may be intended to be delivered at some future time, or that they may not at the time of the sale be actually procured or provided or fit or ready for delivery, or that some act may be required for the making or completing of the goods or rendering them fit for delivery. R.S.O. 1960, c. 34, s. 14, *amended*.

When sub-
sequent
possession
not to
validate
sale other-
wise void

6. A sale of goods that is void under this Act shall not by the subsequent taking of possession of the goods by the buyer be thereby made valid as against persons who became creditors, buyers or mortgagees in good faith before such taking of possession. R.S.O. 1960, c. 34, s. 27, *amended*.

Effect
of bill
of sale

7. Except as otherwise provided by this or any other Act, a bill of sale is effective according to its terms between the parties to it and against third parties. *New*.

Where
bills of
sale, etc.,
to be
registered

8.—(1) Subject to subsection 2, bills of sale and renewal statements under this Act shall be registered in the office of the clerk of the county or district court of the county or district in which the goods sold are situate at the time of the execution of the bill of sale.

Haliburton

(2) Where the goods are situate in the Provisional County of Haliburton, bills of sale and renewal statements shall be registered in the office of the clerk of the county court of the County of Victoria. R.S.O. 1960, c. 34, s. 21 (1, 2), *amended*.

Limitation
of time for
registration

9.—(1) In the case of a county, a bill of sale shall be registered within five days from the execution thereof.

Haliburton
and
districts

(2) In the case of the Provisional County of Haliburton or of a district, a bill of sale shall be registered within ten days from the execution thereof.

(3) Where there are more sellers than one, the time shall be computed from the execution of the instrument by the last seller who executed it. R.S.O. 1960, c. 34, s. 21 (3, 4, 7), *amended*. Computation of time for registration

10.—(1) Where a bill of sale is not registered within the time prescribed by this Act, a judge of a county or district court on application may, upon such terms and conditions and with such notice, if any, as he may order, extend the time for registration upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that the late registration has prejudiced the rights that any person acquired before the late registration, the late registration shall be presumed not to have been done in conformity with this Act, and the rights that such person acquired before the late registration shall be determined on that basis. R.S.O. 1960, c. 34, s. 10, *amended*. Extension of time

(2) A copy of an order made under subsection 1 shall for the purpose of registration be attached to the bill of sale to which the order relates. *New*. Idem

11. A bill of sale shall not be registered unless, in addition to the other requirements of this Act, it contains and legibly sets forth at least, Contents of bill of sale for registration

- (a) the full name and address of the seller;
- (b) the full name and address of the buyer;
- (c) the date of execution of the bill of sale;
- (d) a description of the goods sold sufficient to identify them; and
- (e) the terms and conditions of the bill of sale. *New*.

12.—(1) An affidavit of *bona fides* required by section 3 may be made by one of two or more buyers or by his or their agent if its deponent is aware of all the circumstances connected with the bill of sale and is authorized in writing to take the bill of sale. Who may make affidavits of bona fides

(2) If a bill of sale under this Act is made to a corporation, the affidavit of *bona fides* may be made by any officer or agent thereof authorized to do so by resolution of the directors. In the case of a corporation

(3) Where an affidavit of *bona fides* is made by an agent of the buyer or by an officer or agent of a corporation, it shall state that the deponent is aware of all the circumstances Affidavits made by agents or officers

connected with the bill of sale and has personal knowledge of the facts deposed to.

Branch
managers,
etc., may
make affi-
davit of
bona fides

(4) When a bill of sale is made to a corporation having branches, agencies or offices opened pursuant to statutory authority, the affidavit of *bona fides* may be made by the manager, assistant manager or accountant of any such branch, agency or office without being authorized so to do by resolution of the directors, and the affidavit shall state that the deponent is aware of all the circumstances connected with the bill of sale and has personal knowledge of the facts deposed to. R.S.O. 1960, c. 34, s. 15 (1-4), *amended*.

Agent's
authority
to be
attached
to bill
of sale

(5) A copy of an authority referred to in this section shall, for the purposes of registration, be attached to the bill of sale to which the authority relates. R.S.O. 1960, c. 34, s. 16, *amended*.

Affidavit of
executor,
etc.

(6) An affidavit of *bona fides* may, in the case of the death of the buyer, be made by any of his next of kin or by his executor or administrator if the deponent is aware of all the circumstances connected with the bill of sale. R.S.O. 1960, c. 34, s. 17, *amended*.

Expiry of
existing
registrations
R.S.O. 1960,
c. 34

13.—(1) The registration of every bill of sale made under *The Bills of Sale and Chattel Mortgages Act* before the day on which this section comes into force expires on the third anniversary date of the original registration after that day unless a renewal statement in the prescribed form containing the particulars mentioned in section 11 is registered before such anniversary date.

Idem,
future
registrations

(2) Every registration made under this Act expires three years after the date of registration, unless a renewal statement in the prescribed form is registered before the three-year period expires.

Effect of
registration
of renewal
statement

(3) The registration of a renewal statement extends the effect of the original registration for three years from the date of registration of the renewal statement, and so on from time to time.

Extension
of time

(4) Where a renewal statement is not registered within the time prescribed by this section, a judge of a county or district court on application may, upon such terms and conditions and with such notice, if any, as he may order, extend the time for registration upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such registration within

the period so extended has prejudiced the rights that any person acquired before the registration, such registration shall be presumed not to have been done in conformity with this Act for the purpose of determining the rights that such person acquired before the registration.

(5) A copy of an order made under subsection 4 shall for ^{Idem} the purposes of registration be attached to the renewal statement to which the order relates. *New.*

14.—(1) Upon the request of any person, the clerk shall ^{Certified copies} furnish a copy of any document registered in his office under this Act, and of any endorsement thereon, certified under his hand and the seal of the court. *New.*

(2) A copy of any document and of any endorsement there- ^{Proof of registration} on certified under subsection 1 is *prima facie* evidence that the document was registered according to the endorsement thereon. R.S.O. 1960, c. 34, s. 31, *amended.*

15. The clerk shall make an entry of every bill of sale ^{Index} and renewal statement registered in his office under this Act in an index to be kept for that purpose. *New.*

16. During the regular office hours of the clerk, any person ^{Inspection of index} may require a search to be made of the index of documents registered under this Act and may inspect any document registered under this Act. R.S.O. 1960, c. 34, s. 34 (1, 3), *amended.*

17. The clerk is entitled for services under this Act to ^{Fees} the fees prescribed by the regulations made under this Act. R.S.O. 1960, c. 34, s. 35, *amended.*

18. The Lieutenant Governor in Council may make regula- ^{Regulations} tions,

- (a) requiring the payment of fees and prescribing the amounts thereof;
 - (b) prescribing forms and providing for their use;
 - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- New.*

19. The Lieutenant Governor in Council may make regu- ^{Fees during transitional period} lations requiring the payment of fees and prescribing the amounts thereof for services under *The Bills of Sale and Chattel Mortgages Act* in connection with bills of sale. *New.* R.S.O. 1960, c. 34

Commence-
ment

20.—(1) This Act, except section 19, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

1967, c. ...

(2) Section 19 comes into force on the day upon which section 2 of *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967* is proclaimed in

Short title

21. This Act may be cited as *The Bills of Sale Act, 1967*.

An Act respecting Bills of Sale

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

June 2nd, 1967

MR. WISHART

BILL 94

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Tile Drainage Act

MR. MACNAUGHTON

EXPLANATORY NOTE

The cost of tile drainage works has nearly doubled so that loans for this purpose are now much larger than they used to be. The amount that may be paid out of the Consolidated Revenue Fund to purchase debentures issued under this Act is, therefore, increased from \$10,000,000 to \$20,000,000 and brought into line with present-day needs.

BILL 94

1967

An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Tile Drainage Act*, as re-enacted by R.S.O. 1960, c. 399, s. 9, section 2 of *The Tile Drainage Amendment Act, 1961-62*, is (1961-62, c. 138, s. 2), amended by striking out "\$10,000,000" in the third line and amended inserting in lieu thereof "\$20,000,000", so that the section shall read as follows:

9. The Treasurer of Ontario may purchase, acquire ^{Purchase of debentures} and hold debentures issued under this Act to an ^{out of Consolidated Revenue Fund} extent not exceeding in the whole \$20,000,000 at any time, and pay therefor out of the Consolidated Revenue Fund.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Tile Drainage Amendment* ^{Short title} *Act, 1967*.

An Act to amend The Tile Drainage Act

1st Reading

April 19th, 1967

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 94

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Tile Drainage Act

MR. MACNAUGHTON

An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Tile Drainage Act*, as re-enacted by R.S.O. 1960, c. 399, s. 9 section 2 of *The Tile Drainage Amendment Act, 1961-62*, is (1961-62, c. 138, s. 2), amended by striking out "\$10,000,000" in the third line and inserting in lieu thereof "\$20,000,000", so that the section shall read as follows:

9. The Treasurer of Ontario may purchase, acquire and hold debentures issued under this Act to an extent not exceeding in the whole \$20,000,000 at any time, and pay therefor out of the Consolidated Revenue Fund.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Tile Drainage Amendment Act, 1967*.

An Act to amend The Tile Drainage Act

1st Reading

April 19th, 1967

2nd Reading

April 25th, 1967

3rd Reading

May 8th, 1967

MR. MACNAUGHTON

BILL 95

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Hours of Work and Vacations with Pay Act

MR. GISBORN

EXPLANATORY NOTE

At present, the mandatory vacation with pay is one week a year during the first three years and then two weeks a year. The purpose of the Bill is to increase the mandatory vacation with pay to three weeks a year during the first ten years and then four weeks a year. Provision is also made for paying vacation pay before the vacation.

BILL 95

1967

**An Act to amend
The Hours of Work and Vacations with Pay Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 2 of *The Hours of Work and Vacations with Pay Act*, as re-enacted by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1966*, are repealed and the following substituted therefor: R.S.O. 1960, c. 181, s. 2, subss. 2-4 (1966, c. 67, s. 1), re-enacted

- (2) Every employee in an industrial undertaking is Vacation with pay entitled,
- (a) after each year of his employment with any one employer, during the first ten years of such employment, to a vacation of at least three weeks with pay; and
 - (b) after each year of his employment with any one employer, after the first ten years of such employment, to a vacation of at least four weeks with pay.
- (3) The vacation pay shall be the average wage of the employee during the year immediately preceding the date upon which the vacation commences for the period of the vacation. Calculation of vacation pay
- (4) The employer may determine the period when the employee may take the vacation provided for in subsection 1, but the period shall not be later than ten months after the end of the work year to which the vacation relates. When vacation to be taken
- (4a) Subject to subsection 4, where an employee who is entitled to a vacation of three weeks wishes to take his vacation, Vacation pay, when payable

- (a) in one period of three weeks, his vacation pay shall be paid to him in full by his employer during the fourteen days immediately preceding the commencement of his vacation; or
- (b) in one period of two weeks, and one period of one week,
 - (i) two-thirds of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of two weeks, and
 - (ii) one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of one week.

Idem

- (4b) Subject to subsection 4, where an employee who is entitled to a vacation of four weeks wishes to take his vacation,
 - (a) in one period of four weeks, his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of his vacation;
 - (b) in two periods of two weeks each, one-half of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the two periods;
 - (c) in four periods of one week each, one-fourth of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the four periods; or
 - (d) in two periods of more than one week but less than three weeks each, the sum that bears the same proportion to his vacation pay as the number of days comprising the period bears to twenty-eight shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period to which the pay relates.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Hours of Work and Vaca-* ^{Short title}
tions with Pay Amendment Act, 1967.

An Act to amend The Hours
of Work and Vacations with Pay Act

1st Reading

April 20th, 1967

2nd Reading

3rd Reading

MR. GISBORN

BILL 96

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Department of Tourism and Information Act, 1966

MR. AULD

EXPLANATORY NOTES

SECTION 1. The amendment permits the Minister of Tourism and Information to take a more active part in the development of historical parks.

SECTION 2. The amendment permits the establishment of advisory committees to participate in the development and operation of historical parks.

SECTION 3. The clause added authorizes the Lieutenant Governor in Council to make regulations governing the use of historical parks.

BILL 96

1967

An Act to amend The Department of Tourism and Information Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Department of Tourism and Information Act, 1966* is repealed and the following sub-<sup>1966, c. 44,
s. 10, subs. 2,</sup>re-enacted substituted therefor:

(2) The Minister is responsible for the development, <sup>Responsi-
bility of
Minister</sup> control and management of historical parks.

2. *The Department of Tourism and Information Act, 1966* <sup>1966, c. 44,
amended</sup> is amended by adding thereto the following section:

10a.—(1) The Lieutenant Governor in Council may <sup>Advisory
Committee</sup> establish a committee in respect of any historical park, consisting of not more than ten members, to advise the Minister in the development and management of the park and in such other matters as the Minister refers to it.

(2) The members of a committee established under <sup>Remunera-
tion for
members</sup> subsection 1 shall receive such remuneration for their services as the Lieutenant Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the committee.

3. Subsection 1 of section 12 of *The Department of Tourism and Information Act, 1966* <sup>1966, c. 44,
s. 12, subs. 1,</sup>is amended by adding thereto the ^{amended} following clause:

(1a) governing the use of historical parks.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Department of Tourism and Information Amendment Act, 1967*.

An Act to amend The Department
of Tourism and Information Act, 1966

1st Reading

April 20th, 1967

2nd Reading

3rd Reading

MR. AULD

BILL 96

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Department of Tourism and Information Act, 1966

MR. AULD

BILL 96

1967

An Act to amend The Department of Tourism and Information Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor: 1966, c. 44,
s. 10, subs. 2,
re-enacted

(2) The Minister is responsible for the development, control and management of historical parks. Responsi-
bility of
Minister

2. *The Department of Tourism and Information Act, 1966* is amended by adding thereto the following section: 1966, c. 44,
amended

10a.—(1) The Lieutenant Governor in Council may establish a committee in respect of any historical park, consisting of not more than ten members, to advise the Minister in the development and management of the park and in such other matters as the Minister refers to it. Advisory
Committee

(2) The members of a committee established under subsection 1 shall receive such remuneration for their services as the Lieutenant Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the committee. Remunera-
tion for
members

3. Subsection 1 of section 12 of *The Department of Tourism and Information Act, 1966* is amended by adding thereto the following clause: 1966, c. 44,
s. 12, subs. 1,
amended

(1a) governing the use of historical parks.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Department of Tourism and Information Amendment Act, 1967*.

An Act to amend The Department
of Tourism and Information Act, 1966

1st Reading

April 20th, 1967

2nd Reading

April 28th, 1967

3rd Reading

June 2nd, 1967

MR. AULD

BILL 97

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Deposit Insurance Corporation Act, 1967

MR. ROWNTREE

EXPLANATORY NOTE

The purpose of this Bill is to facilitate the transfer of deposit insurance now in effect for Ontario-incorporated loan corporations and trust companies to the Canada Deposit Insurance Corporation.

BILL 97

1967

An Act to amend The Ontario Deposit Insurance Corporation Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph g of section 1 of *The Ontario Deposit Insurance Corporation Act, 1967* is repealed and the following substituted therefor: 1967, c. . . . ,
s. 1, par. g,
re-enacted

- (g) "member institution" means a loan corporation or trust company incorporated under the laws of Ontario and registered under *The Loan and Trust Corporations Act*. R.S.O. 1960,
c. 222

2. Sections 22 and 23 of *The Ontario Deposit Insurance Corporation Act, 1967* are repealed and the following substituted therefor: 1967, c. . . . ,
ss. 22, 23,
re-enacted

- 22.—(1) Every member institution is authorized to apply to the Canada Deposit Insurance Corporation for deposit insurance under the *Canada Deposit Insurance Corporation Act*. Applications
for Federal
deposit
insurance
authorized
1966-67.
c. . . . (Can.)
- (2) The Minister on behalf of the Province may enter into agreements with the Canada Deposit Insurance Corporation for any purpose in connection with the issuing of policies of deposit insurance to loan corporations and trust companies incorporated under the laws of Ontario. Federal-
Provincial
agreements
authorized
- (3) Any such agreement may contain an undertaking by the Province to indemnify the Canada Deposit Insurance Corporation for any loss to that corporation occurring by reason of its obligation to make payment in respect of any deposit insured by a policy of deposit insurance where the obligation arises during the period specified for that purpose in such agreement. Idem

Deposit
insurance
required

R.S.O. 1960,
c. 222

- 23.—(1) No loan corporation or trust company registered under *The Loan and Trust Corporations Act* shall after the 30th day of June, 1967, accept, receive or issue deposits unless it holds a certificate or policy of deposit insurance issued by the Canada Deposit Insurance Corporation or unless its deposits are insured in some other manner approved by the Lieutenant Governor in Council.

Extension
of time

- (2) In the case of any particular loan corporation or trust company the Lieutenant Governor in Council may extend the time for effecting the insurance mentioned in subsection 1.

Deposit
defined

23a. For the purposes of this Act, a deposit is,

- (a) money deposited with a loan corporation or trust company registered under *The Loan and Trust Corporations Act* in respect of which such corporation or company is liable to the depositors; or
- (b) money received under section 82 of *The Loan and Trust Corporations Act* by a trust company registered under that Act or a debenture or like obligation issued by a loan corporation registered under that Act, but not including any money so received or debenture or like obligation so issued on or after the 17th day of April, 1967, unless the trust company or loan corporation, as the case may be, is obligated, or may by demand of the depositor become obligated, to repay the money so received or the debenture or like obligation so issued on or before the fifth anniversary of the date of receipt of such money or the fifth anniversary of the date of issue of such debenture or like obligation, as the case may be.

1967, c. . . . ,
s. 24, subs. 1,
re-enacted

3. Subsection 1 of section 24 of *The Ontario Deposit Insurance Corporation Act, 1967* is repealed and the following substituted therefor:

Deposits
insured

- (1) All deposits with a member institution that does not hold a policy of deposit insurance issued by the Canada Deposit Insurance Corporation are insured by the Corporation except,

- (a) a deposit that is not payable in Canada or in Canadian currency;

(b) so much of any one deposit, including interest thereon, as exceeds \$20,000; and

(c) deposits insured under terminated or cancelled deposit insurance under section 28 of the *Canada Deposit Insurance Corporation Act*, 1966-67, c. ... (Can.) s. 28,

4. Section 28 of *The Ontario Deposit Insurance Corporation Act*, 1967 is amended by adding thereto the following sub-section: 1967, c. s. 28, amended

(5) Notwithstanding anything in this Act, the Lieutenant Governor in Council may authorize and direct the repayment to a member institution of the whole or any part of any premium paid to the Corporation. Repayments of premiums authorized

5. Section 30 of *The Ontario Deposit Insurance Corporation Act*, 1967 is amended by adding thereto the following sub-sections: 1967, c. s. 30, amended

(2) The Registrar, at the request of the Canada Deposit Insurance Corporation and on such terms and conditions as may be approved by the Minister, may examine the affairs of any loan corporation or trust company registered under *The Loan and Trust Corporations Act* and report thereon to the Canada Deposit Insurance Corporation. Examination of affairs authorized R.S.O. 1960, c. 222

(3) In any examination authorized under subsection 2, the Registrar has and may exercise any of the powers given him by subsections 3, 4 and 5 of section 117 of *The Loan and Trust Corporations Act*. Powers of Registrar

6. This Act comes into force on the day it receives Royal Assent. Commence-ment

7. This Act may be cited as *The Ontario Deposit Insurance Corporation Amendment Act*, 1967. Short title

An Act to amend The Ontario
Deposit Insurance Corporation Act, 1967

1st Reading

April 20th, 1967

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 97

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Ontario Deposit Insurance Corporation Act, 1967

MR. ROWNTREE

BILL 97

1967

An Act to amend The Ontario Deposit Insurance Corporation Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph *g* of section 1 of *The Ontario Deposit Insurance Corporation Act, 1967* is repealed and the following substituted therefor: 1967, c. . . .,
s. 1, par. *g*,
re-enacted

(*g*) "member institution" means a loan corporation or trust company incorporated under the laws of Ontario and registered under *The Loan and Trust Corporations Act*. R.S.O. 1960,
c. 222

2. Sections 22 and 23 of *The Ontario Deposit Insurance Corporation Act, 1967* are repealed and the following substituted therefor: 1967, c. . . .
ss. 22, 23,
re-enacted

22.—(1) Every member institution is authorized to apply to the Canada Deposit Insurance Corporation for deposit insurance under the *Canada Deposit Insurance Corporation Act*. Applications
for Federal
deposit
insurance
authorized
1966-67,
c. . . (Can.)

(2) The Minister on behalf of the Province may enter into agreements with the Canada Deposit Insurance Corporation for any purpose in connection with the issuing of policies of deposit insurance to loan corporations and trust companies incorporated under the laws of Ontario. Federal-
Provincial
agreements
authorized

(3) Any such agreement may contain an undertaking by the Province to indemnify the Canada Deposit Insurance Corporation for any loss to that corporation occurring by reason of its obligation to make payment in respect of any deposit insured by a policy of deposit insurance where the obligation arises during the period specified for that purpose in such agreement. Idem

Deposit
insurance
required

R.S.O. 1960,
c. 222

- 23.—(1) No loan corporation or trust company registered under *The Loan and Trust Corporations Act* shall after the 30th day of June, 1967, accept, receive or issue deposits unless it holds a certificate or policy of deposit insurance issued by the Canada Deposit Insurance Corporation or unless its deposits are insured in some other manner approved by the Lieutenant Governor in Council.

Extension
of time

- (2) In the case of any particular loan corporation or trust company the Lieutenant Governor in Council may extend the time for effecting the insurance mentioned in subsection 1.

Deposit
defined

23a. For the purposes of this Act, a deposit is,

- (a) money deposited with a loan corporation or trust company registered under *The Loan and Trust Corporations Act* in respect of which such corporation or company is liable to the depositors; or
- (b) money received under section 82 of *The Loan and Trust Corporations Act* by a trust company registered under that Act or a debenture or like obligation issued by a loan corporation registered under that Act, but not including any money so received or debenture or like obligation so issued on or after the 17th day of April, 1967, unless the trust company or loan corporation, as the case may be, is obligated, or may by demand of the depositor become obligated, to repay the money so received or the debenture or like obligation so issued on or before the fifth anniversary of the date of receipt of such money or the fifth anniversary of the date of issue of such debenture or like obligation, as the case may be.

1967, c. . . .
s. 24, subs. 1,
re-enacted

3. Subsection 1 of section 24 of *The Ontario Deposit Insurance Corporation Act, 1967* is repealed and the following substituted therefor:

Deposits
insured

- (1) All deposits with a member institution that does not hold a policy of deposit insurance issued by the Canada Deposit Insurance Corporation are insured by the Corporation except,
- (a) a deposit that is not payable in Canada or in Canadian currency;

(b) so much of any one deposit, including interest thereon, as exceeds \$20,000; and

(c) deposits insured under terminated or cancelled deposit insurance under section 28 of the *Canada Deposit Insurance Corporation Act*, 1966-67, c. ... (Can.) s. 28.

4. Section 28 of *The Ontario Deposit Insurance Corporation Act*, 1967 is amended by adding thereto the following sub-amended section: 1967, c. ..., s. 28.

(5) Notwithstanding anything in this Act, the Lieutenant Governor in Council may authorize and direct the repayment to a member institution of the whole or any part of any premium paid to the Corporation. Repayments of premiums authorized

5. Section 30 of *The Ontario Deposit Insurance Corporation Act*, 1967 is amended by adding thereto the following sub-amended sections: 1967, c. ..., s. 30.

(2) The Registrar, at the request of the Canada Deposit Insurance Corporation and on such terms and conditions as may be approved by the Minister, may examine the affairs of any loan corporation or trust company registered under *The Loan and Trust Corporations Act* and report thereon to the Canada Deposit Insurance Corporation. Examination of affairs authorized R.S.O. 1960, c. 222

(3) In any examination authorized under subsection 2, the Registrar has and may exercise any of the powers given him by subsections 3, 4 and 5 of section 117 of *The Loan and Trust Corporations Act*. Powers of Registrar

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Ontario Deposit Insurance Corporation Amendment Act*, 1967. Short title

An Act to amend The Ontario
Deposit Insurance Corporation Act, 1967

1st Reading

April 20th, 1967

2nd Reading

April 24th, 1967

3rd Reading

April 26th, 1967

MR. ROWNTREE

BILL 98

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Public Lands Act

MR. BRUNELLE

EXPLANATORY NOTE

Self-explanatory.

BILL 98

1967

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43c of *The Public Lands Act*, as enacted by R.S.O. 1960, c. 324, s. 43c section 2 of *The Public Lands Amendment Act, 1960-61*, is (1960-61, c. 81, s. 2), amended by adding thereto the following subsections:

- (2) The Minister or the Minister of Public Works may enter into agreements with the owners of lands respecting the erection, maintenance and operation thereon of a public work within the meaning of *The Public Works Act*. Agreements for works, etc.
R.S.O. 1960, c. 338
- (3) An agreement entered into under subsection 2 may be registered in the proper registry or land titles office and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement. Registration of agreements

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Public Lands Amendment Act, 1967*. Short title

An Act to amend The Public Lands Act

1st Reading

April 24th, 1967

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 98

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Public Lands Act

MR. BRUNELLE

BILL 98

1967

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43c of *The Public Lands Act*, as enacted by R.S.O. 1960, c. 324, s. 43c section 2 of *The Public Lands Amendment Act, 1960-61*, is (1960-61, c. 81, s. 2), amended by adding thereto the following subsections:

- (2) The Minister or the Minister of Public Works may enter into agreements with the owners of lands respecting the erection, maintenance and operation thereon of a public work within the meaning of *The Public Works Act*.
Agreements for works, etc.
R.S.O. 1960, c. 338
- (3) An agreement entered into under subsection 2 may be registered in the proper registry or land titles office and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement.
Registration of agreements

2. This Act comes into force on the day it receives Royal Assent.
Commencement

3. This Act may be cited as *The Public Lands Amendment Act, 1967*.
Short title

An Act to amend The Public Lands Act

1st Reading

April 24th, 1967

2nd Reading

April 28th, 1967

3rd Reading

June 2nd, 1967

MR. BRUNELLE

BILL 99

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to incorporate The Ontario Heritage Foundation

MR. AULD

EXPLANATORY NOTE

The purpose of the Bill is to incorporate The Ontario Heritage Foundation for the purpose of preserving property of historical and architectural interest.

BILL 99

1967

An Act to incorporate The Ontario Heritage Foundation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "donation" includes any gift, testamentary disposition, deed of trust or other form of contribution;
- (b) "Foundation" means The Ontario Heritage Foundation;
- (c) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;

(d) "property" includes real and personal property.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of
Act

3.—(1) A foundation is established to be known as "The Ontario Heritage Foundation".

Ontario
Heritage
Foundation
established

(2) The Foundation shall be a body corporate consisting of a board of directors of not fewer than three and not more than eleven persons who shall be appointed by the Lieutenant Governor in Council, and of such other persons as become members of the Foundation.

Composition
of
Foundation

(3) The Lieutenant Governor in Council may designate one of the directors to be the chairman of the board of directors.

Chairman

(4) A majority of the directors constitutes a quorum.

Quorum

By-laws

4. The directors of the Foundation may, with the approval of the Minister, make such by-laws as are necessary for,

- (a) the administration of the Foundation;
- (b) the establishment, appointment and condition of membership therein;
- (c) the establishment of such honorary offices as they deem desirable, and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

Officers
and staff
1961-62,
c. 121

5. Such officers, clerks and servants may be appointed or transferred under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the business of the Foundation.

R.S.O. 1960,
c. 71 does
not apply

6. *The Corporations Act* does not apply to the Foundation.

Objects of
Foundation

7. The objects of the Foundation are,

- (a) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage property of historical and architectural interest for the use, enjoyment and benefit of the people of Ontario;
- (b) to support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical and architectural interest by municipalities and by associations whose primary objects are equivalent to those set out in clause *a*, for the use, enjoyment and benefit of the people of Ontario; and
- (c) to conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical and architectural matters.

Powers of
Foundation

8. In furtherance of its objects, the Foundation has power,

- (a) to hold, preserve, maintain, reconstruct, restore and manage the property of the Foundation;
- (b) subject to the approval of the Minister,

- (i) to acquire property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise,
- (ii) to enter into agreements with prospective donors with respect to any conditions governing the use of property,
- (iii) to enter into agreement with any person respecting any matter within the objects of the Foundation, and to pay moneys to such person pursuant to any such agreement,
- (iv) to engage the services of such experts and other persons as are deemed expedient;
- (c) subject to the terms of any trust in connection with such property, to dispose of property by sale, lease, or any other manner, and to execute such deeds or other instruments as may be required to effect such disposal;
- (d) to borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 15;
- (e) to invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario.

9.—(1) The Foundation shall maintain a fund, hereinafter ^{General fund} called the “general fund”, which shall, subject to section 10, consist of moneys received by it from any source, including grants made under section 14.

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith. ^{Operating expenditures}

10.—(1) The Foundation shall maintain a reserve fund, ^{Reserve fund} which shall consist of moneys received by the Foundation expressly for allocation thereto.

(2) The income of the reserve fund, or any part thereof, ^{Income} may be paid into and form part of the general fund.

(3) The Foundation shall not expend any of the capital ^{Capital expenditures} of its reserve fund, except for investment under clause e of section 8, without the consent of the Lieutenant Governor in Council.

Remunera-
tion

11. No member of the Foundation shall receive any remuneration for his services, but each member shall be paid out of the general fund of the Foundation for his proper travelling and other expenses incurred in the work of the Foundation.

Exemption
from
taxation

12. The real and personal property, business and income of the Foundation are exempt from all assessment and taxation, made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause c of section 8 to a person or organization not registered as a charitable organization under the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

Audit

13. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor.

Grants

14. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he deems advisable and may allocate any grants so made to the general fund or reserve fund.

Guarantee
of loans

15.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation.

Form of
guarantee

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of
guarantee

(3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Annual
report

16.—(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Foundation shall make such further reports to the ^{Reports} Minister as the Minister from time to time requires.

17. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation.
ment

18. This Act may be cited as *The Ontario Heritage Founda-* ^{Short title}
tion Act, 1967.

An Act to incorporate
The Ontario Heritage Foundation

1st Reading

April 26th, 1967

2nd Reading

3rd Reading

MR. AULD

BILL 99

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to incorporate The Ontario Heritage Foundation

MR. AULD

BILL 99

1967

An Act to incorporate The Ontario Heritage Foundation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
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- (a) "donation" includes any gift, testamentary disposition, deed of trust or other form of contribution;
- (b) "Foundation" means The Ontario Heritage Foundation;
- (c) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (d) "property" includes real and personal property.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of
Act

3.—(1) A foundation is established to be known as "The Ontario Heritage Foundation".

Ontario
Heritage
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established

(2) The Foundation shall be a body corporate consisting of a board of directors of not fewer than three and not more than eleven persons who shall be appointed by the Lieutenant Governor in Council, and of such other persons as become members of the Foundation.

Composition
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Chairman

(4) A majority of the directors constitutes a quorum.

Quorum

By-laws

4. The directors of the Foundation may, with the approval of the Minister, make such by-laws as are necessary for,

- (a) the administration of the Foundation;
- (b) the establishment, appointment and condition of membership therein;
- (c) the establishment of such honorary offices as they deem desirable, and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

Officers and staff
1961-62,
c. 121

5. Such officers, clerks and servants may be appointed or transferred under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the business of the Foundation.

R.S.O. 1960,
c. 71 does
not apply

6. *The Corporations Act* does not apply to the Foundation.

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7. The objects of the Foundation are,

- (a) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage property of historical and architectural interest for the use, enjoyment and benefit of the people of Ontario;
- (b) to support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical and architectural interest by municipalities and by associations whose primary objects are equivalent to those set out in clause a, for the use, enjoyment and benefit of the people of Ontario; and
- (c) to conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical and architectural matters.

Powers of
Foundation

8. In furtherance of its objects, the Foundation has power,

- (a) to hold, preserve, maintain, reconstruct, restore and manage the property of the Foundation;
- (b) subject to the approval of the Minister,

- (i) to acquire property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise,
- (ii) to enter into agreements with prospective donors with respect to any conditions governing the use of property,
- (iii) to enter into agreement with any person respecting any matter within the objects of the Foundation, and to pay moneys to such person pursuant to any such agreement,
- (iv) to engage the services of such experts and other persons as are deemed expedient;
- (c) subject to the terms of any trust in connection with such property, to dispose of property by sale, lease, or any other manner, and to execute such deeds or other instruments as may be required to effect such disposal;
- (d) to borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 15;
- (e) to invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario.

9.—(1) The Foundation shall maintain a fund, hereinafter ^{General fund} called the “general fund”, which shall, subject to section 10, consist of moneys received by it from any source, including grants made under section 14.

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith. ^{Operating expenditures}

10.—(1) The Foundation shall maintain a reserve fund, ^{Reserve fund} which shall consist of moneys received by the Foundation expressly for allocation thereto.

(2) The income of the reserve fund, or any part thereof, ^{Income} may be paid into and form part of the general fund.

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Remunera-
tion

11. No member of the Foundation shall receive any remuneration for his services, but each member shall be paid out of the general fund of the Foundation for his proper travelling and other expenses incurred in the work of the Foundation.

Exemption
from
taxation

12. The real and personal property, business and income of the Foundation are exempt from all assessment and taxation, made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause c of section 8 to a person or organization not registered as a charitable organization under the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

Audit

13. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor.

Grants

14. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he deems advisable and may allocate any grants so made to the general fund or reserve fund.

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of loans

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Form of
guarantee

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of
guarantee

(3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Annual
report

16.—(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Foundation shall make such further reports to the ^{Reporte} Minister as the Minister from time to time requires.

17. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation.
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18. This Act may be cited as *The Ontario Heritage Founda-* ^{Short title}
tion Act, 1967.

An Act to incorporate
The Ontario Heritage Foundation

1st Reading

April 26th, 1967

2nd Reading

April 28th, 1967

3rd Reading

June 2nd, 1967

MR. AULD

BILL 100

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to establish the Health Insurance Registration Board

MR. DYMOND

EXPLANATORY NOTE

The Bill establishes the Health Insurance Registration Board, which will administer the enrolment and premium-collecting functions of the Hospital Services Insurance Commission and the Medical Services Insurance Division.

BILL 100

1967

An Act to establish the Health Insurance Registration Board

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Health Insurance Registration Board;
- (b) "Registrar" means the Registrar for Health Insurance.

2. The Minister of Health is responsible for the administration of this Act.

Administra-
tion

3.—(1) The Health Insurance Registration Board is established, consisting of,

Health
Insurance
Registration
Board

- (a) the Deputy Minister of Health, who shall be chairman of the Board;
- (b) the chairman of the Ontario Hospital Services Commission, who shall be vice-chairman of the Board; and
- (c) the Executive Director of the Medical Services Insurance Division of the Department of Health.

(2) It is the function of the Board and it has power,

Functions
of Board

- (a) to establish and administer a system to provide for the enrolment and entitlement of persons to coverage for insured services under *The Hospital Services Com-* R.S.O. 1960,
c. 176
mission Act and *The Medical Services Insurance Act,* 1965, c. 70
1965, including the collection of premiums and the determination of eligibility;

R.S.O. 1960,
c. 176
1965, c. 70

(b) to maintain a central registry and records for insured persons under *The Hospital Services Commission Act* and *The Medical Services Insurance Act, 1965*; and

(c) to perform such other duties as are assigned to it by any Act.

Power to
contract
and sue

(3) The Board may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract made by the Board.

Seal

(4) The Board may adopt a seal.

Registrar

4. There shall be a Registrar for Health Insurance appointed by the Lieutenant Governor in Council, who shall be the chief executive officer of the Board, and who shall perform such duties as are assigned to him by any Act, under the direction and control of the Board.

Employees

5. Such officers and employees as are deemed necessary to carry out the duties of the Board shall be appointed under *The Public Service Act, 1961-62*.

1961-62,
c. 121

Inspections

6.—(1) Any person designated in writing by the Registrar may at any time enter the premises of an employer of a mandatory group or a collector under *The Hospital Services Commission Act* or *The Medical Services Insurance Act, 1965* and inspect the books of account, payroll records and other records for the purpose of obtaining information relating to the membership of the group.

Access for
inspection

(2) Every person, when requested to do so by a person designated under subsection 1, shall produce and permit inspection of the accounts and records and supply extracts therefrom.

Obstruction
of inspector

(3) No person shall hinder or obstruct a person designated under subsection 1 in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Offence

(4) Any person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Moneys

7. The moneys required for the purposes of the Board shall, until the 31st day of March, 1968, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

8. The accounts and financial transactions of the Board ^{Audit} shall be audited annually by the Provincial Auditor.

9. This Act comes into force on a day to be named by the ^{Commence-}
Lieutenant Governor by his proclamation._{ment}

10. This Act may be cited as *The Health Insurance Regis-* ^{Short title}
tration Board Act, 1967.

An Act to establish the
Health Insurance Registration Board

1st Reading

April 28th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 100

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to establish the Health Insurance Registration Board

MR. DYMOND

BILL 100

1967

An Act to establish the Health Insurance Registration Board

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Health Insurance Registration Board;
- (b) "Registrar" means the Registrar for Health Insurance.

2. The Minister of Health is responsible for the administration of this Act.

Administra-
tion

3.—(1) The Health Insurance Registration Board is established, consisting of,

Health
Insurance
Registration
Board

- (a) the Deputy Minister of Health, who shall be chairman of the Board;
- (b) the chairman of the Ontario Hospital Services Commission, who shall be vice-chairman of the Board; and
- (c) the Executive Director of the Medical Services Insurance Division of the Department of Health.

(2) It is the function of the Board and it has power,

Functions
of Board

- (a) to establish and administer a system to provide for the enrolment and entitlement of persons to coverage for insured services under *The Hospital Services Commission Act* and *The Medical Services Insurance Act, 1965*, including the collection of premiums and the determination of eligibility;

R.S.O. 1960,
c. 176
1965, c. 70

R.S.O. 1960,
c. 176
1965, c. 70

- (b) to maintain a central registry and records for insured persons under *The Hospital Services Commission Act* and *The Medical Services Insurance Act, 1965*; and

- (c) to perform such other duties as are assigned to it by any Act.

Power to
contract
and sue

- (3) The Board may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract made by the Board.

Seal

- (4) The Board may adopt a seal.

Registrar

4. There shall be a Registrar for Health Insurance appointed by the Lieutenant Governor in Council, who shall be the chief executive officer of the Board, and who shall perform such duties as are assigned to him by any Act, under the direction and control of the Board.

Employees

5. Such officers and employees as are deemed necessary to carry out the duties of the Board shall be appointed under *The Public Service Act, 1961-62*.

1961-62,
c. 121

Inspections

- 6.—(1) Any person designated in writing by the Registrar may at any time enter the premises of an employer of a mandatory group or a collector under *The Hospital Services Commission Act* or *The Medical Services Insurance Act, 1965* and inspect the books of account, payroll records and other records for the purpose of obtaining information relating to the membership of the group.

Access for
inspection

- (2) Every person, when requested to do so by a person designated under subsection 1, shall produce and permit inspection of the accounts and records and supply extracts therefrom.

Obstruction
of inspector

- (3) No person shall hinder or obstruct a person designated under subsection 1 in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Offence

- (4) Any person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Moneys

7. The moneys required for the purposes of the Board shall, until the 31st day of March, 1968, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

8. The accounts and financial transactions of the Board ^{Audit} shall be audited annually by the Provincial Auditor.

9. This Act comes into force on a day to be named by the ^{Commence-}
Lieutenant Governor by his proclamation.

10. This Act may be cited as *The Health Insurance Regis-* ^{Short title}
tration Board Act, 1967.

An Act to establish the
Health Insurance Registration Board

1st Reading

April 28th, 1967

2nd Reading

May 2nd, 1967

3rd Reading

June 2nd, 1967

MR. DYMOND

BILL 101

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Medical Services Insurance Act, 1965

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. The Health Insurance Registration Board, under the proposed Health Insurance Registration Board Act, 1967, is defined for the purpose of assigning to the Board functions under this Act.

SECTION 2. At present, it is the duty of the Council to deal with complaints. The amendment continues the Council's investigating function but the capacity to take action is in the Board and the Medical Services Insurance Division.

SECTION 3. The functions of the Minister in entering into medical insurance contracts are transferred to the Board, and the function of the Medical Services Insurance Division is defined.

An Act to amend The Medical Services Insurance Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Medical Services Insurance Act, 1965*,^{1965, c. 70, s. 1, amended} as amended by section 1 of *The Medical Services Insurance Amendment Act, 1966*, is further amended by adding thereto the following clause:

(b) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*, c. ...

2. Subsection 6 of section 3 of *The Medical Services Insurance Act, 1965*, as amended by subsection 4 of section 3 of *The Medical Services Insurance Amendment Act, 1966*, is^{1965, c. 70, s. 3, subs. 6, re-enacted} repealed and the following substituted therefor:

(6) The Council shall investigate any complaints relative^{Reference to Council} to this Act that are referred to it by the Board or the Medical Services Insurance Division and all matters referred to it by the Minister, and shall make such recommendations as it deems advisable.

3. Section 6 of *The Medical Services Insurance Act, 1965*,^{1965, c. 70, s. 6, re-enacted} as amended by section 6 of *The Medical Services Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

6.—(1) The Board shall, in accordance with the regu-^{Provision of contracts}lations,

(a) provide standard medical services insurance contracts for persons of such categories as are designated by the regulations who qualify for total subsidy assistance and who apply therefor; and

- (b) provide standard medical services insurance contracts for persons of such categories as are designated by the regulations.

Idem

- (2) The Board shall provide standard contracts upon such terms and conditions as to contributions as the regulations provide for persons of such categories, other than those mentioned in subsection 1, as are designated by the regulations and who apply therefor.

Performance

- (3) The benefits secured by standard medical services insurance contracts shall be provided by the Medical Services Insurance Division.

1965,
c. 70, s. 7,
subs. 1,
amended

4.—(1) Subsection 1 of section 7 of *The Medical Services Insurance Act, 1965* is amended by striking out "Council" in the fifth line and inserting in lieu thereof "Board", so that the subsection shall read as follows:

Assistance
in paying
premiums

- (1) Any person who is unable to continue payment of his medical services insurance subscriptions because of a lack of income due to unemployment, illness or disability may within the first thirty days of such default make application to the Board for assistance, during the period of unemployment, illness or disability, to continue his medical services insurance contract or towards the purchase of a standard contract.

1965,
c. 70, s. 7,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Reference
to Council

- (2) In determining the granting of relief under subsection 1, the Board may refer the matter to the Council which shall make such inquiries as it deems necessary and make a report to the Board with such recommendations as it deems advisable.

Granting
temporary
assistance

- (3) The Board may direct that an applicant under subsection 1 be relieved of the payment of the whole or any part of his premium during his unemployment, illness or disability.

1965,
c. 70, s. 16,
subs. 2
(1966,
c. 86, s. 10),
amended

5. Subsection 2 of section 16 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 10 of *The Medical Services Insurance Amendment Act, 1966*, is amended by striking out "Medical Services Insurance Division" in the tenth line and inserting in lieu thereof "Board", so that the subsection shall read as follows:

SECTION 4. The determination of individual relief from payment of premiums is transferred from the Minister to the Board and the Council's investigating function is retained on a reference.

SECTION 5. The amendment provides for payment of premiums to the Board rather than to the Medical Services Insurance Division.

SECTION 6. The cancellation of contracts is made a function of the Board, and hearings are required in certain cases to be held by the Council.

SECTIONS 7 and 8. Certain regulating powers within the functions of the Board are transferred to the Board, subject to the approval of the Lieutenant Governor in Council.

- (2) Where a resident who is not a dependant or his ^{Idem.} dependent spouse ceases to be covered under a group ^{group} medical services insurance contract after the expira- ^{contract to} ^{standard} ^{contract} tion of an open enrolment period, such person may make application for a standard contract within thirty days of the date of termination of his group medical services insurance contract, which standard contract becomes effective on the date on which the application and payment of subscription are received by the Board.

6.—(1) Subsection 1 of section 17 of *The Medical Services Insurance Act, 1965*, as amended by subsection 1 of section 11 of *The Medical Services Insurance Amendment Act, 1966*, is further amended by striking out "A standard contract may be cancelled by the Medical Services Insurance Division only" in the first and second lines and in the amendment of 1966 and inserting in lieu thereof "A standard contract may be cancelled by the Board only", so that the subsection shall read as follows: ^{1965,} ^{c. 70, s. 17,} ^{subs. 1,} ^{amended}

- (1) A standard contract may be cancelled by the Board ^{Reasons for} ^{cancellation} ^{of standard} ^{contract} only,
- (a) for misrepresentation or fraud as to a material fact;
 - (b) for non-payment of the subscription;
 - (c) where the covered person ceases to be a resident, in which event coverage terminates ninety days after the date of ceasing to be a resident; or
 - (d) for misuse of services for which benefits are provided.

(2) Subsection 2, and subsection 3 as amended by subsection 2 of section 11 of *The Medical Services Insurance Amendment Act, 1966*, of the said section 17 are repealed and the following ^{1965,} ^{c. 70, s. 17,} ^{subs. 2,} ^{re-enacted;} ^{subs. 3,} ^{repealed} substituted therefor:

- (2) The Board shall not cancel a contract under clause *a* ^{Hearing} or *d* of subsection 1 without giving each person covered under the contract an opportunity to be heard by the Council.

7.—(1) Clause *c* of section 28 of *The Medical Services Insurance Act, 1965* is repealed. ^{1965,} ^{c. 70, s. 28,} ^{cl. c,} ^{repealed}

1965,
c. 70, s. 28,
cl. d,
re-enacted

(2) Clause *d* of the said section 28 is repealed and the following substituted therefor:

- (d) respecting recommendations by the Council to the Board or the Medical Services Insurance Division under section 3 and to the Board under sections 7 and 17.

1965,
c. 70, s. 28,
cls. g, h,
repealed

(3) Clause *g*, and clause *h* as amended by subsection 2 of section 17 of *The Medical Services Insurance Amendment Act, 1966*, of the said section 28 are repealed.

1965, c. 70,
amended

8. *The Medical Services Insurance Act, 1965* is amended by adding thereto the following section:

Regulations

28a. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing subscription rates;
- (b) designating the categories of persons mentioned in section 6 and regulating the provision by the Board of standard medical services insurance contracts for persons of the relevant designated categories and regulating the contribution by the Board for such persons;
- (c) prescribing procedures for notices and hearings under section 17;
- (d) respecting any matter considered necessary or desirable for carrying out the functions of the Board.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Medical Services Insurance Amendment Act, 1967 (No. 2)*.

An Act to amend
The Medical Services Insurance Act, 1965

1st Reading

April 28th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 101

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Medical Services Insurance Act, 1965

MR. DYMOND

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The Health Insurance Registration Board, under the proposed Health Insurance Registration Board Act, 1967, is defined for the purpose of assigning to the Board functions under this Act.

SECTION 2. At present, it is the duty of the Council to deal with complaints. The amendment continues the Council's investigating function but the capacity to take action is in the Board and the Medical Services Insurance Division.

SECTION 3. The functions of the Minister in entering into medical insurance contracts are transferred to the Board, and the function of the Medical Services Insurance Division is defined.

BILL 101

1967

An Act to amend The Medical Services Insurance Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Medical Services Insurance Act, 1965*,^{1965, c. 70, s. 1,} as amended by section 1 of *The Medical Services Insurance Amendment Act, 1966*, is further amended by adding thereto the following clause:

(b) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*,^{1967, c. ...}

2. Subsection 6 of section 3 of *The Medical Services Insurance Act, 1965*, as amended by subsection 4 of section 3 of *The Medical Services Insurance Amendment Act, 1966*, is^{1965, c. 70, s. 3, subs. 6, re-enacted} repealed and the following substituted therefor:

(6) The Council shall investigate any complaints relative^{Reference to Council} to this Act that are referred to it by the Board or the Medical Services Insurance Division and all matters referred to it by the Minister, and shall make such recommendations as it deems advisable.

3. Section 6 of *The Medical Services Insurance Act, 1965*,^{1965, c. 70, s. 6, re-enacted} as amended by section 6 of *The Medical Services Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

6.—(1) The Board shall, in accordance with the regu-^{Provision of contracts}lations,

(a) provide standard medical services insurance contracts for persons of such categories as are designated by the regulations who qualify for total subsidy assistance and who apply therefor; and

- (b) provide standard medical services insurance contracts for persons of such categories as are designated by the regulations.

Idem

- (2) The Board shall provide standard contracts upon such terms and conditions as to contributions as the regulations provide for persons of such categories, other than those mentioned in subsection 1, as are designated by the regulations and who apply therefor.

Performance

- (3) The benefits secured by standard medical services insurance contracts shall be provided by the Medical Services Insurance Division.

1965,
c. 70, s. 7,
subs. 1,
amended

4.—(1) Subsection 1 of section 7 of *The Medical Services Insurance Act, 1965* is amended by striking out "Council" in the fifth line and inserting in lieu thereof "Board", so that the subsection shall read as follows:

Assistance
in paying
premiums

- (1) Any person who is unable to continue payment of his medical services insurance subscriptions because of a lack of income due to unemployment, illness or disability may within the first thirty days of such default make application to the Board for assistance, during the period of unemployment, illness or disability, to continue his medical services insurance contract or towards the purchase of a standard contract.

1965,
c. 70, s. 7,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Reference
to Council

- (2) In determining the granting of relief under subsection 1, the Board may refer the matter to the Council which shall make such inquiries as it deems necessary and make a report to the Board with such recommendations as it deems advisable.

Granting
temporary
assistance

- (3) The Board may direct that an applicant under subsection 1 be relieved of the payment of the whole or any part of his premium during his unemployment, illness or disability.

Appeal to
Council

- (4) An applicant may appeal a decision of the Board under this section to the Council, and the decision of the Council is final and binding on the applicant and the Board but an applicant may make a further application or the Board may make a further decision when it is clear that material circumstances have changed.

SECTION 4. The determination of individual relief from payment of premiums is transferred from the Minister to the Board and the Council's investigating function is retained on a reference.

SECTION 5. The amendment provides for payment of premiums to the Board rather than to the Medical Services Insurance Division.

SECTION 6. The cancellation of contracts is made a function of the Board, and hearings are required in certain cases to be held by the Council.

5. Subsection 2 of section 16 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 10 of *The Medical Services Insurance Amendment Act, 1966*, is amended by striking out "Medical Services Insurance Division" in the tenth line and inserting in lieu thereof "Board", so that the subsection shall read as follows:

- (2) Where a resident who is not a dependant or his dependent spouse ceases to be covered under a group medical services insurance contract after the expiration of an open enrolment period, such person may make application for a standard contract within thirty days of the date of termination of his group medical services insurance contract, which standard contract becomes effective on the date on which the application and payment of subscription are received by the Board.

6.—(1) Subsection 1 of section 17 of *The Medical Services Insurance Act, 1965*, as amended by subsection 1 of section 11 of *The Medical Services Insurance Amendment Act, 1966*, is further amended by striking out "A standard contract may be cancelled by the Medical Services Insurance Division only" in the first and second lines and in the amendment of 1966 and inserting in lieu thereof "A standard contract may be cancelled by the Board only", so that the subsection shall read as follows:

- (1) A standard contract may be cancelled by the Board only,
- (a) for misrepresentation or fraud as to a material fact;
 - (b) for non-payment of the subscription;
 - (c) where the covered person ceases to be a resident, in which event coverage terminates ninety days after the date of ceasing to be a resident; or
 - (d) for misuse of services for which benefits are provided.

(2) Subsection 2, and subsection 3 as amended by subsection 2 of section 11 of *The Medical Services Insurance Amendment Act, 1966*, of the said section 17 are repealed and the following substituted therefor:

- (2) The Board shall not cancel a contract under clause *a* or *d* of subsection 1 without giving each person covered under the contract an opportunity to be heard by the Council.

1965,
c. 70, s. 28,
cl. c,
repealed

7.—(1) Clause *c* of section 28 of *The Medical Services Insurance Act, 1965* is repealed.

1965,
c. 70, s. 28,
cl. d,
re-enacted

(2) Clause *d* of the said section 28 is repealed and the following substituted therefor:

- (d) respecting recommendations by the Council to the Board or the Medical Services Insurance Division under section 3 and to the Board under sections 7 and 17.

1965,
c. 70, s. 28,
cls. g, h,
repealed

(3) Clause *g*, and clause *h* as amended by subsection 2 of section 17 of *The Medical Services Insurance Amendment Act, 1966*, of the said section 28 are repealed.

1965, c. 70,
amended

8. *The Medical Services Insurance Act, 1965* is amended by adding thereto the following section:

Regulations

28a. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing subscription rates;
- (b) designating the categories of persons mentioned in section 6 and regulating the provision by the Board of standard medical services insurance contracts for persons of the relevant designated categories and regulating the contribution by the Board for such persons;
- (c) prescribing procedures for notices and hearings under section 17;
- (d) respecting any matter considered necessary or desirable for carrying out the functions of the Board.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Medical Services Insurance Amendment Act, 1967* (No. 2).

SECTIONS 7 and 8. Certain regulating powers within the functions of the Board are transferred to the Board, subject to the approval of the Lieutenant Governor in Council.

An Act to amend
The Medical Services Insurance Act, 1965

1st Reading

April 28th, 1967

2nd Reading

May 2nd, 1967

3rd Reading

MR. DYMOND

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 101

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Medical Services Insurance Act, 1965

MR. DYMOND

BILL 101

1967

**An Act to amend
The Medical Services Insurance Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Medical Services Insurance Act, 1965*, ^{1965, c. 70, s. 1, amended} as amended by section 1 of *The Medical Services Insurance Amendment Act, 1966*, is further amended by adding thereto the following clause:

(b) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*, c. ...

2. Subsection 6 of section 3 of *The Medical Services Insurance Act, 1965*, as amended by subsection 4 of section 3 of *The Medical Services Insurance Amendment Act, 1966*, is ^{1965, c. 70, s. 3, subs. 6, re-enacted} repealed and the following substituted therefor:

(6) The Council shall investigate any complaints relative ^{Reference to Council} to this Act that are referred to it by the Board or the Medical Services Insurance Division and all matters referred to it by the Minister, and shall make such recommendations as it deems advisable.

3. Section 6 of *The Medical Services Insurance Act, 1965*, ^{1965, c. 70, s. 6, re-enacted} as amended by section 6 of *The Medical Services Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

6.—(1) The Board shall, in accordance with the regu- ^{Provision of contracts} lations,

(a) provide standard medical services insurance contracts for persons of such categories as are designated by the regulations who qualify for total subsidy assistance and who apply therefor; and

- (b) provide standard medical services insurance contracts for persons of such categories as are designated by the regulations.

Idem

- (2) The Board shall provide standard contracts upon such terms and conditions as to contributions as the regulations provide for persons of such categories, other than those mentioned in subsection 1, as are designated by the regulations and who apply therefor.

Performance

- (3) The benefits secured by standard medical services insurance contracts shall be provided by the Medical Services Insurance Division.

1965,
c. 70, s. 7,
subs. 1,
amended

4.—(1) Subsection 1 of section 7 of *The Medical Services Insurance Act, 1965* is amended by striking out "Council" in the fifth line and inserting in lieu thereof "Board", so that the subsection shall read as follows:

Assistance
in paying
premiums

- (1) Any person who is unable to continue payment of his medical services insurance subscriptions because of a lack of income due to unemployment, illness or disability may within the first thirty days of such default make application to the Board for assistance, during the period of unemployment, illness or disability, to continue his medical services insurance contract or towards the purchase of a standard contract.

1965,
c. 70, s. 7,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Reference
to Council

- (2) In determining the granting of relief under subsection 1, the Board may refer the matter to the Council which shall make such inquiries as it deems necessary and make a report to the Board with such recommendations as it deems advisable.

Granting
temporary
assistance

- (3) The Board may direct that an applicant under subsection 1 be relieved of the payment of the whole or any part of his premium during his unemployment, illness or disability.

Appeal to
Council

- (4) An applicant may appeal a decision of the Board under this section to the Council, and the decision of the Council is final and binding on the applicant and the Board but an applicant may make a further application or the Board may make a further decision when it is clear that material circumstances have changed.

5. Subsection 2 of section 16 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 10 of *The Medical Services Insurance Amendment Act, 1966*, is amended by striking out "Medical Services Insurance Division" in the tenth line and inserting in lieu thereof "Board", so that the subsection shall read as follows:

- (2) Where a resident who is not a dependant or his dependent spouse ceases to be covered under a group medical services insurance contract after the expiration of an open enrolment period, such person may make application for a standard contract within thirty days of the date of termination of his group medical services insurance contract, which standard contract becomes effective on the date on which the application and payment of subscription are received by the Board.

6.—(1) Subsection 1 of section 17 of *The Medical Services Insurance Act, 1965*, as amended by subsection 1 of section 11 of *The Medical Services Insurance Amendment Act, 1966*, is further amended by striking out "A standard contract may be cancelled by the Medical Services Insurance Division only" in the first and second lines and in the amendment of 1966 and inserting in lieu thereof "A standard contract may be cancelled by the Board only", so that the subsection shall read as follows:

- (1) A standard contract may be cancelled by the Board only,
- (a) for misrepresentation or fraud as to a material fact;
 - (b) for non-payment of the subscription;
 - (c) where the covered person ceases to be a resident, in which event coverage terminates ninety days after the date of ceasing to be a resident; or
 - (d) for misuse of services for which benefits are provided.

(2) Subsection 2, and subsection 3 as amended by subsection 2 of section 11 of *The Medical Services Insurance Amendment Act, 1966*, of the said section 17 are repealed and the following substituted therefor:

- (2) The Board shall not cancel a contract under clause *a* or *d* of subsection 1 without giving each person covered under the contract an opportunity to be heard by the Council.

1965,
c. 70, s. 28,
cl. c,
repealed

7.—(1) Clause *c* of section 28 of *The Medical Services Insurance Act, 1965* is repealed.

1965,
c. 70, s. 28,
cl. d,
re-enacted

(2) Clause *d* of the said section 28 is repealed and the following substituted therefor:

- (d) respecting recommendations by the Council to the Board or the Medical Services Insurance Division under section 3 and to the Board under sections 7 and 17.

1965,
c. 70, s. 28,
cls. g, h,
repealed

(3) Clause *g*, and clause *h* as amended by subsection 2 of section 17 of *The Medical Services Insurance Amendment Act, 1966*, of the said section 28 are repealed.

1965, c. 70,
amended

8. *The Medical Services Insurance Act, 1965* is amended by adding thereto the following section:

Regulations

28a. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing subscription rates;
- (b) designating the categories of persons mentioned in section 6 and regulating the provision by the Board of standard medical services insurance contracts for persons of the relevant designated categories and regulating the contribution by the Board for such persons;
- (c) prescribing procedures for notices and hearings under section 17;
- (d) respecting any matter considered necessary or desirable for carrying out the functions of the Board.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Medical Services Insurance Amendment Act, 1967* (No. 2).

An Act to amend
The Medical Services Insurance Act, 1965

1st Reading

April 28th, 1967

2nd Reading

May 2nd, 1967

3rd Reading

June 12th, 1967

MR. DYMOND

BILL 102

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Hospital Services Commission Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. The Health Insurance Registration Board under the proposed Health Insurance Registration Board Act, 1967 is defined for the purpose of assigning the Board functions under this Act.

SECTION 2—Subsection 1. The functions of the Commission are amended to adjust to the functions of the Board set out in section 3 of the Bill.

Subsection 2. The amendment gives the Commission power to inspect records of hospitals.

BILL 102

1967

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hospital Services Commission Act*, as amended by section 1 of *The Hospital Services Commission Amendment Act, 1965*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

- (a) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*, c. ...

2.—(1) Clause *a* of subsection 1 of section 14 of *The Hospital Services Commission Act* is repealed and the following substituted therefor:

- (a) to administer the plan of hospital care insurance established by the regulations of the Commission;
- (aa) to govern the standards and inspect the facilities for care, treatment and services in hospitals and nursing homes approved to participate in the plan of hospital care insurance.

(2) Clause *i* of subsection 1 of the said section 14 is amended by inserting after "records" in the second line "of hospitals and", so that the clause shall read as follows:

- (i) to appoint inspectors with the duty and power to inspect and examine books, accounts and records of hospitals and of employers and collectors for the purpose of obtaining information related to the hospital insurance plan.

R.S.O. 1960,
c. 176,
amended

3. *The Hospital Services Commission Act* is amended by adding thereto the following section:

Function
of Board

14a.—(1) It is the function of the Board and it has power to determine eligibility and collect premiums for hospital care insurance and perform all functions necessary for the purpose and perform such other duties as are assigned to it by this Act or the regulations.

Premiums

(2) The Board shall pay the premiums collected by it for hospital care insurance into The Hospital Services Commission Fund.

R.S.O. 1960,
c. 176, s. 15,
subs. 1,
cls. b, e, f, k,
repealed

4.—(1) Clauses *b, e, f* and *k* of subsection 1 of section 15 of *The Hospital Services Commission Act* are repealed.

R.S.O. 1960,
c. 176, s. 15,
amended

(2) The said section 15 is amended by adding thereto the following subsection:

Regulations

(1a) The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) providing for the insuring of persons and the payment of premiums, and prescribing the premiums that shall be paid by insured persons;
- (b) designating classes of insured persons and prescribing the conditions for participation of any class;
- (c) fixing municipal responsibility for a portion of the cost of insured services for recipients of public assistance, but the portion shall not exceed the rates established for municipal liability for indigents by *The Public Hospitals Act*;
- (d) providing for compulsory participation in the plan of hospital care insurance by designated groups of persons ordinarily resident in Ontario;
- (e) regulating insurance contracts that provide hospital insurance benefits supplementary to those made available under this Act and the regulations;

R.S.O. 1960,
c. 322

SECTION 3. The functions of the Health Insurance Registration Board are set out.

SECTION 4. Certain regulating powers of the Commission, within the new functions of the Board, are transferred to the Board, subject to the approval of the Lieutenant Governor in Council.

(f) respecting any matter considered necessary or desirable for carrying out the functions of the Board.

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

6. This Act may be cited as *The Hospital Services Commission Amendment Act, 1967 (No. 2)*. ^{Short title}

An Act to amend
The Hospital Services Commission Act

1st Reading

April 28th, 1967

2nd Reading

3rd Reading

MR. DYMOND

BILL 102

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Hospital Services Commission Act

MR. DYMOND

BILL 102

1967

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hospital Services Commission Act*, as amended by section 1 of *The Hospital Services Commission Amendment Act, 1965*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*, c. ... ^{R.S.O. 1960, c. 176, s. 1, amended}

2.—(1) Clause *a* of subsection 1 of section 14 of *The Hospital Services Commission Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 176, s. 14, subs. 1, cl. i, re-enacted}

- (a) to administer the plan of hospital care insurance established by the regulations of the Commission;
- (aa) to govern the standards and inspect the facilities for care, treatment and services in hospitals and nursing homes approved to participate in the plan of hospital care insurance.

(2) Clause *i* of subsection 1 of the said section 14 is amended by inserting after "records" in the second line "of hospitals and", so that the clause shall read as follows: ^{R.S.O. 1960, c. 176, s. 14, subs. 1, cl. i, amended}

- (i) to appoint inspectors with the duty and power to inspect and examine books, accounts and records of hospitals and of employers and collectors for the purpose of obtaining information related to the hospital insurance plan.

R.S.O. 1960,
c. 176,
amended

3. *The Hospital Services Commission Act* is amended by adding thereto the following section:

Function
of Board

14d.—(1) It is the function of the Board and it has power to determine eligibility and collect premiums for hospital care insurance and perform all functions necessary for the purpose and perform such other duties as are assigned to it by this Act or the regulations.

Premiums

(2) The Board shall pay the premiums collected by it for hospital care insurance into The Hospital Services Commission Fund.

R.S.O. 1960,
c. 176, s. 15,
subs. 1,
cls. b, e, f, k,
repealed

4.—(1) Clauses *b, e, f* and *k* of subsection 1 of section 15 of *The Hospital Services Commission Act* are repealed.

R.S.O. 1960,
c. 176, s. 15,
amended

(2) The said section 15 is amended by adding thereto the following subsection:

Regulations

(1a) The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

(a) providing for the insuring of persons and the payment of premiums, and prescribing the premiums that shall be paid by insured persons;

(b) designating classes of insured persons and prescribing the conditions for participation of any class;

(c) fixing municipal responsibility for a portion of the cost of insured services for recipients of public assistance, but the portion shall not exceed the rates established for municipal liability for indigents by *The Public Hospitals Act*;

(d) providing for compulsory participation in the plan of hospital care insurance by designated groups of persons ordinarily resident in Ontario;

(e) regulating insurance contracts that provide hospital insurance benefits supplementary to those made available under this Act and the regulations;

R.S.O. 1960,
c. 322

(f) respecting any matter considered necessary or desirable for carrying out the functions of the Board.

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

6. This Act may be cited as *The Hospital Services Commis-* ^{Short title}
sion Amendment Act, 1967 (No. 2).

An Act to amend
The Hospital Services Commission Act

1st Reading

April 28th, 1967

2nd Reading

May 2nd, 1967

3rd Reading

June 12th, 1967

MR. DYMOND

BILL 103

**5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967**

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. At present, where one member conducts a hearing, his report may be adopted by two other members, one of whom must be a vice-chairman. The amendment will authorize the chairman to also adopt such a report.

SECTION 2—Subsection 1. Clause *a* as it now stands exempts from the application of subsection 1 the undertakings, works, projects, schemes, etc., referred to in subsection 2 of section 286 of *The Municipal Act*. A debt payable within the two-year or three-year term for which the council was elected might be treated as not being an undertaking referred to in subsection 2 which lists certain specific undertakings. This amendment is to remove any possibility of misconstruing the section.

Subsection 2. The amendment will permit in one order of the Board approval of various classes of work.

BILL 103

1967

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 15 of *The Ontario Municipal Board Act*, as amended by section 1 of *The Ontario Municipal Board Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 274, s. 15
subs. 2,
re-enacted

- (2) The report of such member may be adopted as the order or decision of the Board by the chairman or by two other members of the Board, one of whom shall be a vice-chairman, or may be otherwise dealt with as the Board deems proper.

Report

2.—(1) Clause *a* of subsection 2 of section 64 of *The Ontario Municipal Board Act*, as re-enacted by subsection 2 of section 1 of *The Ontario Municipal Board Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 274, s. 64,
subs. 2
(1962-63,
c. 97, s. 1,
subs. 2),
cl. *a*,
re-enacted

- (a) to incurring a debt payable within the two-year or three-year term for which the council was elected at a biennial or triennial election or to the exercise of powers to proceed with any of the undertakings, works, projects, schemes, acts, matters or things referred to in subsection 2 of section 286 of *The Municipal Act*, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality; or

R.S.O. 1960,
c. 249

(2) Subsection 7 of the said section 64, as enacted by section 2 of *The Ontario Municipal Board Amendment Act, 1966*, is amended by inserting after "class" in the fifth line "or classes", so that the subsection shall read as follows:

R.S.O. 1960,
c. 274, s. 64,
subs. 7
(1966,
c. 105, s. 2),
amended

Application
for approval
of class or
classes of
work

- (7) An application may be made by a municipality for approval by the Board of expenditures and the borrowing of money and the issuing of debentures and, where necessary, for an order dispensing with a vote of the electors under section 63 for a class or classes of work without specifying any particular work, and the Board may dismiss the application or may approve part or all thereof, provided that the municipality shall not make any commitment for or do any act to commence any work to be financed under an order of the Board made on such application until the municipal treasurer has certified that funds can be provided under such order in payment thereof.

R.S.O. 1960.
c. 274, s. 94
(1961-62,
c. 96, s. 3,
subs. 1),
amended

3. Section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 3 of *The Ontario Municipal Board Amendment Act, 1961-62* and amended by section 2 of *The Ontario Municipal Board Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Withdrawal
of petition

- (2) Any party or person who has filed a petition under subsection 1 may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

Commence-
ment

4.--(1) This Act, except subsection 1 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 2 shall be deemed to have come into force on the 29th day of March, 1961.

Short title

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1967*.

SECTION 3. The amendment is to clarify the right of a person who has filed a petition for a review of an order of the Board by the Lieutenant Governor in Council to withdraw it at any time by filing a notice of withdrawal with the Clerk of the Executive Council.

An Act to amend
The Ontario Municipal Board Act

1st Reading

May 3rd, 1967

2nd Reading

3rd Reading

MR. SPOONER

BILL 103

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

BILL 103

1967

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 15 of *The Ontario Municipal Board Act*, as amended by section 1 of *The Ontario Municipal Board Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 274, s. 15,
subs. 2,
re-enacted

- (2) The report of such member may be adopted as the order or decision of the Board by the chairman or by two other members of the Board, one of whom shall be a vice-chairman, or may be otherwise dealt with as the Board deems proper. Report

2.—(1) Clause *a* of subsection 2 of section 64 of *The Ontario Municipal Board Act*, as re-enacted by subsection 2 of section 1 of *The Ontario Municipal Board Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 274, s. 64,
subs. 2
(1962-63,
c. 97, s. 1,
subs. 2),
cl. a,
re-enacted

- (a) to incurring a debt payable within the two-year or three-year term for which the council was elected at a biennial or triennial election or to the exercise of powers to proceed with any of the undertakings, works, projects, schemes, acts, matters or things referred to in subsection 2 of section 286 of *The Municipal Act*, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality; or R.S.O. 1960,
c. 249

(2) Subsection 7 of the said section 64, as enacted by section 2 of *The Ontario Municipal Board Amendment Act, 1966*, is amended by inserting after "class" in the fifth line "or classes", so that the subsection shall read as follows: R.S.O. 1960,
c. 274, s. 64,
subs. 7
(1966,
c. 105, s. 2),
amended

Application
for approval
of class or
classes of
work

- (7) An application may be made by a municipality for approval by the Board of expenditures and the borrowing of money and the issuing of debentures and, where necessary, for an order dispensing with a vote of the electors under section 63 for a class or classes of work without specifying any particular work, and the Board may dismiss the application or may approve part or all thereof, provided that the municipality shall not make any commitment for or do any act to commence any work to be financed under an order of the Board made on such application until the municipal treasurer has certified that funds can be provided under such order in payment thereof.

R.S.O. 1960,
c. 274, s. 94
(1961-62,
c. 96, s. 3,
subs. 1),
amended

3. Section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 3 of *The Ontario Municipal Board Amendment Act, 1961-62* and amended by section 2 of *The Ontario Municipal Board Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Withdrawal
of petition

- (2) Any party or person who has filed a petition under subsection 1 may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

Commence-
ment

4.—(1) This Act, except subsection 1 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 2 shall be deemed to have come into force on the 29th day of March, 1961.

Short title

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1967*.

An Act to amend
The Ontario Municipal Board Act

1st Reading

May 3rd, 1967

2nd Reading

May 8th, 1967

3rd Reading

June 12th, 1967

MR. SPOONER

BILL 104

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Planning Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. At present, the Minister, on request, is required to refer part of a plan to the Municipal Board. The amendment provides that he need not refer it if in his opinion the request is not made in good faith, is frivolous or is made for the purpose of delay.

SECTION 2. Subsection 3 of section 2 provides that the Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area. Sections 10, 11, 12, 13 and 14 all require some action either by the council of a municipality or by an officer of the municipality. The powers and duties of the council or an officer of a municipality under such provisions are deemed powers and duties of the Minister in respect of such a planning area.

SECTION 3. There have been some doubts as to whether reference plans of survey under *The Land Titles Act* or plans deposited under Part II of *The Registry Act* are unregistered plans of subdivision and consequently subject to subsection 1, which creates an offence for land sales by description in accordance with an unregistered plan. The amendment is to make it clear that these are not unregistered plans for the purposes of subsection 1.

BILL 104

1967

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12a of *The Planning Act*, as enacted by section 1 of *The Planning Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 12a
(1965,
c. 98, s. 1),
subs. 1,
re-enacted

- (1) The Minister may refer any part of the plan to the Municipal Board and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay, and, when the Minister has referred any part of the plan to the Municipal Board, the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister.

Reference
of part of
plan to
O.M.B.

2. *The Planning Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 296,
amended

- 14a. For the purposes of sections 10, 11, 12, 13 and 14, when a planning area is defined and named under subsection 3 of section 2, the Minister shall be deemed to have all the powers and duties of a council and of any officer of a council.

Powers of
Minister
re planning
area in
unorganized
territory

3. Section 29 of *The Planning Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 29,
amended

- (2) In subsection 1, "unregistered plan of subdivision" does not include a reference plan of survey under section 157 of *The Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of *The Registry Act* in accordance with the regulations under that Act.

Interpreta-
tion
R.S.O. 1960,
cc. 201, 348

R.S.O. 1960,
c. 296, s. 30,
subs. 9,
amended

4.—(1) Subsection 9 of section 30 of *The Planning Act* is amended by adding at the commencement thereof "Subject to subsection 22", so that the subsection shall read as follows:

Approval by
O.M.B.

(9) Subject to subsection 22, no part of any by-law passed under this section comes into force without the approval of the Municipal Board, and such approval may be for a limited period of time only, and the Board may extend such period from time to time upon application made to it for such purpose.

R.S.O. 1960,
c. 296, s. 30,
subs. 10,
amended

(2) Subsection 10 of the said section 30, as amended by subsection 2 of section 6 of *The Planning Amendment Act, 1961-62*, is further amended by adding at the commencement thereof "Subject to subsection 22", so that the subsection shall read as follows:

Repeal or
amendment

(10) Subject to subsection 22, no part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 19, comes into force without the approval of the Municipal Board.

R.S.O. 1960,
c. 296, s. 30,
amended

(3) The said section 30 is amended by adding thereto the following subsections:

Notice of
by-law

(21) The Lieutenant Governor in Council may make regulations prescribing the manner of giving notice, the form of the notice, the persons to whom notice shall be given and the time within which objections may be filed with the clerk of the municipality when the council proceeds under subsection 22.

By-law
effective
where no
notice of
objection
filed

(22) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and no notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law thereupon comes into effect.

Where
notice of
objection
filed

(23) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect until approved by the Municipal Board.

SECTION 4—Subsections 1 and 2. The amendments are complementary to subsection 3.

Subsection 3. Subsections 21 to 24 provide an alternative method of having land use by-laws come into effect without the approval of the Municipal Board. Subsection 25 provides that an approved by-law is deemed to conform to the official plan in effect in the municipality. Subsections 26 to 29 provide for the temporary use of vacant land as parking lots notwithstanding that such use may be otherwise prohibited by by-law.

SECTION 5—Subsection 1. This amendment is required by reason of a decision of the Municipal Board, which held that a by-law under this section respecting housing standards may not provide for requiring additional facilities so that the residential property shall conform to the standards.

Subsection 2. The amendment is to prevent a series of sham conveyances designed to frustrate housing standards by-laws.

- (24) A certificate of the clerk of the municipality that the notice has been sent in the manner and form and to the persons prescribed by the regulations and that no notice of objection has been filed with him within the time prescribed by the regulations shall be *prima facie* evidence of the facts stated therein. Certificate of clerk re notices
- (25) Any by-law approved by the Municipal Board under this section shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality. Approved by-law deemed to conform to plan
- (26) The council of a municipality may, subject to subsections 27 and 28, pass by-laws to permit the use of vacant land for the parking thereon of vehicles where such use is otherwise prohibited by any other by-law passed under this section. Use of vacant land for parking
- (27) A by-law passed under subsection 26 shall define the area to which it applies and shall prescribe the period for which it shall be in effect, which shall not exceed two years from the date of the passing of the by-law or the period during which the owner of the lands at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser, and may contain such other provisions as the council deems advisable. Effective period of by-law
- (28) When a by-law passed under subsection 26 ceases to have effect, clause *a* of subsection 7 does not apply in respect of the use of land permitted by such by-law. Use of vacant land for parking not non-conforming use
- (29) Any parking facilities provided pursuant to a by-law passed under subsection 26 shall be deemed not to be parking facilities required to be provided and maintained by virtue of any other by-law passed under this section. Parking facilities
- 5.—**(1) Subsection 1 of section 30*a* of *The Planning Act*, as enacted by section 4 of *The Planning Amendment Act, 1964*, is amended by adding thereto the following clause: R.S.O. 1960, c. 296, s. 30*a* (1964, c. 90, s. 4), subs. 1, amended
- (*aa*) "repair" includes the provision of such facilities and the making of such additions or alterations as may be required so that the residential property shall conform to the standards prescribed in the by-law, and "repairs" and "repaired" have a corresponding meaning.
- (2) The said section 30*a* is amended by adding thereto the following subsection: R.S.O. 1960, c. 296, s. 30*a* (1964, c. 90, s. 4), amended

Registration
of notice

- (3a) A notice under subsection 3 may be registered in the proper registry office or a caution claiming an interest in the land in the proper land titles office, and, upon registration of such notice or caution, any person acquiring any interest in the land subsequent to the registration of the notice or caution shall be deemed to have been given notice under subsection 3 on the date on which notice was given to the registered owner and, when the requirements of the notice have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such notice.

R.S.O. 1960,
c. 296,
amended

6. *The Planning Act* is amended by adding thereto the following section:

Loans for
repairs

- 30b.—(1) When a by-law under section 30a is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 3 of section 30a to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

Loans,
collected
as taxes,
lien on land

- (2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration
of certificate

- (3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper registry or land titles office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing

SECTION 6. The new section 30*b* authorizes municipalities to provide for making loans to owners of land who are required to repair the property to make it comply with the housing standards of the municipality.

SECTION 7. Self-explanatory.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. The new subsection 19 is to provide evidence that consent has in fact been given when registering the documents in the registry office or land titles office.

such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

7. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 296,
amended

31a. The council of a county may enter into an agreement with one or more local municipalities for the appointment by the county of a building inspector for the administration of by-laws passed under section 31 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector. Building
inspector

8.—(1) Subsection 9a of section 32b of *The Planning Act*, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, is amended by striking out "may" in the seventh line and inserting in lieu thereof "shall", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 32b,
subs. 9a
(1966,
c. 116, s. 5,
subs. 2),
amended

(9a) The committee, in determining whether a consent is to be given under subsection 2a, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same powers with respect to a consent as the Minister has to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that any or all conditions imposed be fulfilled prior to the granting of a consent, and, in exercising its powers under subsections 5 and 8 of section 28, the reference to the Minister in such subsections 5 and 8 shall be deemed to be a reference to the committee. Matters
to be
regarded by
committee
in determin-
ing consent

(2) The said section 32b, as enacted by section 8 of *The Planning Amendment Act, 1961-62* and amended by section 12 of *The Planning Amendment Act, 1962-63*, section 6 of *The Planning Amendment Act, 1964* and section 5 of *The Planning Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 296, s. 32b
(1961-62,
c. 104, s. 8),
amended

(19) When a consent has been granted on an application under subsection 2a, the secretary-treasurer shall, after the decision of the committee is final and binding under subsection 13, give a certificate to the applicant stating that such consent has been given, and the certificate is conclusive evidence that such consent was given and that the provisions of this Act leading to such consent have been complied with. Certificate
that consent
given

R.S.O. 1960,
c. 296, s. 34,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 34 of *The Planning Act* is repealed and the following substituted therefor:

Reference to
O.M.B.

- (1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay and, when the Minister has referred the matter to the Municipal Board, the approval or consent, as the case may be, of the Municipal Board has the same force and effect as if it were the approval or consent of the Minister.

R.S.O. 1960,
c. 296, s. 34,
amended

- (2) The said section 34 is amended by adding thereto the following subsection:

Application
where draft
plan
approved

- (3) Where a draft plan of subdivision has been approved under subsection 11 of section 28, subsection 1 does not apply to the approval of the plan of subdivision under subsection 13 of section 28.

Effect of
1960-61
amendments
to s. 26 on
existing
by-laws
passed
before
March 29,
1961

10.—(1) By-laws now in effect passed under section 26 of *The Planning Act* or a predecessor of section 26 before the 29th day of March, 1961, remain in force until repealed, and the provisions of section 26, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, and any amendments thereto apply to such by-laws.

1960-61,
c. 76, s. 1,
subs. 3,
repealed

- (2) Subsection 3 of section 1 of *The Planning Amendment Act, 1960-61* is repealed.

Effect of
contra-
ventions
of s. 26, etc.,
on conveyan-
ces hereto-
fore made

- (3) The contravention, before this section comes into force, of section 26 of *The Planning Act* or a predecessor thereof or of a by-law passed under section 26 or a predecessor of section 26 or of an order made under clause *b* of subsection 1 of section 27 of *The Planning Act* or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in land, provided that this section does not affect the rights acquired by any person from a judgment or order of any court given or made in any litigation or proceedings commenced on or before the day this section comes into force.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Planning Amendment Act, 1967*.

SECTION 9—Subsection 1. Under the present legislation, on request, the Minister is required to refer any matters requiring his approval to the Municipal Board. The amendment provides that he need not refer any matter where the request in his opinion is not made in good faith, is frivolous or is made for the purpose of delay.

Subsection 2. The amendment provides that subsection 1 respecting references to the Municipal Board does not apply to the approval of a plan of subdivision where the draft plan has been approved.

SECTION 10—Subsections 1 and 2. In a case which came before the Supreme Court of Ontario, *Avola v. Hallett* 1963 O.R. 167, it was inferentially decided that by-laws of subdivision control passed before the 1960-61 amendment to section 26 provided only the controls and conditions that existed in section 26 prior to its amendment and did not include the provisions of section 26 as re-enacted. This was never the intention and results in a completely unworkable system with two sets of rules with regard to by-laws of subdivision control depending on the time of the enactment of such by-laws. The proposed amendments are designed to clear up this confusion and to lay at rest the doubts which at present exist.

Subsection 3. The subsection provides that a contravention before this Act comes into force of section 26 or of a by-law passed under section 26 does not have and shall be deemed never to have had the effect of preventing a conveyance or the creation of an interest in land.

An Act to amend The Planning Act

1st Reading

May 3rd, 1967

2nd Reading

3rd Reading

MR. SPOONER

BILL 104

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Planning Act

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. At present, the Minister, on request, is required to refer part of a plan to the Municipal Board. The amendment provides that he need not refer it if in his opinion the request is not made in good faith, is frivolous or is made for the purpose of delay.

SECTION 2. Subsection 3 of section 2 provides that the Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area. Sections 10, 11, 12, 13 and 14 all require some action either by the council of a municipality or by an officer of the municipality. The powers and duties of the council or an officer of a municipality under such provisions are deemed powers and duties of the Minister in respect of such a planning area.

SECTION 3. There have been some doubts as to whether reference plans of survey under *The Land Titles Act* or plans deposited under Part II of *The Registry Act* are unregistered plans of subdivision and consequently subject to subsection 1, which creates an offence for land sales by description in accordance with an unregistered plan. The amendment is to make it clear that these are not unregistered plans for the purposes of subsection 1.

BILL 104

1967

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12a of *The Planning Act*, as enacted by section 1 of *The Planning Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 12a
(1965,
c. 98, s. 1),
subs. 1,
re-enacted

- (1) The Minister may refer any part of the plan to the Municipal Board and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay, and, when the Minister has referred any part of the plan to the Municipal Board, the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister.

Reference
of part of
plan to
O.M.B.

2. *The Planning Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 296,
amended

- 14a. For the purposes of sections 10, 11, 12, 13 and 14, when a planning area is defined and named under subsection 3 of section 2, the Minister shall be deemed to have all the powers and duties of a council and of any officer of a council.

Powers of
Minister
re planning
area in
unorganized
territory

3. Section 29 of *The Planning Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 29,
amended

- (2) In subsection 1, "unregistered plan of subdivision" does not include a reference plan of survey under section 157 of *The Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of *The Registry Act* in accordance with the regulations under that Act.

Interpreta-
tion
R.S.O. 1960,
cc. 204, 348

R.S.O. 1960,
c. 296, s. 30,
subs. 9,
amended

4.—(1) Subsection 9 of section 30 of *The Planning Act* is amended by adding at the commencement thereof "Subject to subsection 22", so that the subsection shall read as follows:

Approval by
O.M.B.

- (9) Subject to subsection 22, no part of any by-law passed under this section comes into force without the approval of the Municipal Board, and such approval may be for a limited period of time only, and the Board may extend such period from time to time upon application made to it for such purpose.

R.S.O. 1960,
c. 296, s. 30,
subs. 10,
amended

(2) Subsection 10 of the said section 30, as amended by subsection 2 of section 6 of *The Planning Amendment Act, 1961-62*, is further amended by adding at the commencement thereof "Subject to subsection 22", so that the subsection shall read as follows:

Repeal or
amendment

- (10) Subject to subsection 22, no part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 19, comes into force without the approval of the Municipal Board.

R.S.O. 1960,
c. 296, s. 30,
amended

(3) The said section 30 is amended by adding thereto the following subsections:

Notice of
by-law

- (21) The Lieutenant Governor in Council may make regulations prescribing the manner of giving notice, the form of the notice, the persons to whom notice shall be given and the time within which objections may be filed with the clerk of the municipality when the council proceeds under subsection 22.

By-law
effective
where no
notice of
objection
filed

- (22) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and no notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law thereupon comes into effect.

Where
notice of
objection
filed

- (23) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect until approved by the Municipal Board.

SECTION 4—Subsections 1 and 2. The amendments are complementary to subsection 3.

Subsection 3. Subsections 21 to 24 provide an alternative method of having land use by-laws come into effect without the approval of the Municipal Board. Subsection 25 provides that an approved by-law is deemed to conform to the official plan in effect in the municipality. Subsections 26 to 29 provide for the temporary use of vacant land as parking lots notwithstanding that such use may be otherwise prohibited by by-law.

SECTION 5—Subsection 1. This amendment is required by reason of a decision of the Municipal Board, which held that a by-law under this section respecting housing standards may not provide for requiring additional facilities so that the residential property shall conform to the standards.

Subsection 2. The amendment is to prevent a series of sham conveyances designed to frustrate housing standards by-laws.

- (24) A certificate of the clerk of the municipality that the notice has been sent in the manner and form and to the persons prescribed by the regulations and that no notice of objection has been filed with him within the time prescribed by the regulations shall be *prima facie* evidence of the facts stated therein. Certificate of clerk re notices
- (25) Any by-law approved by the Municipal Board under this section shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality. Approved by-law deemed to conform to plan
- (26) The council of a municipality may, subject to subsections 27 and 28, pass by-laws to permit the use of vacant land for the parking thereon of vehicles where such use is otherwise prohibited by any other by-law passed under this section. Use of vacant land for parking
- (27) A by-law passed under subsection 26 shall define the area to which it applies and shall prescribe the period for which it shall be in effect, which shall not exceed two years from the date of the passing of the by-law or the period during which the owner of the lands at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser, and may contain such other provisions as the council deems advisable. Effective period of by-law
- (28) When a by-law passed under subsection 26 ceases to have effect, clause *a* of subsection 7 does not apply in respect of the use of land permitted by such by-law. Use of vacant land for parking not non-conforming use
- (29) Any parking facilities provided pursuant to a by-law passed under subsection 26 shall be deemed not to be parking facilities required to be provided and maintained by virtue of any other by-law passed under this section. Parking facilities
- 5.—**(1) Subsection 1 of section 30*a* of *The Planning Act*, as enacted by section 4 of *The Planning Amendment Act, 1964*, is amended by adding thereto the following clause: R.S.O. 1960, c. 296, s. 30*a* (1964, c. 90, s. 4), subs. 1, amended
- (*aa*) “repair” includes the provision of such facilities and the making of such additions or alterations as may be required so that the residential property shall conform to the standards prescribed in the by-law, and “repairs” and “repaired” have a corresponding meaning.
- (2) The said section 30*a* is amended by adding thereto the following subsection: R.S.O. 1960, c. 296, s. 30*a* (1964, c. 90, s. 4), amended

Registration
of notice

- (3a) A notice under subsection 3 may be registered in the proper registry or land titles office, and, upon registration of such notice, any person acquiring any interest in the land subsequent to the registration of the notice shall be deemed to have been given notice under subsection 3 on the date on which notice was given to the registered owner and, when the requirements of the notice have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such notice.

R.S.O. 1960,
c. 296,
amended

6. The Planning Act is amended by adding thereto the following section:

Loans for
repairs

- 30b.—(1) When a by-law under section 30a is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 3 of section 30a to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

Loans,
collected
as taxes,
lien on land

- (2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration
of certificate

- (3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper registry or land titles office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing

SECTION 6. The new section 30b authorizes municipalities to provide for making loans to owners of land who are required to repair the property to make it comply with the housing standards of the municipality.

SECTION 7. Self-explanatory.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. The new subsection 19 is to provide evidence that consent has in fact been given when registering the documents in the registry office or land titles office.

such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

7. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960
c. 296,
amended

31a. The council of a county may enter into an agreement with one or more local municipalities for the appointment by the county of a building inspector for the administration of by-laws passed under section 31 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector. Building
inspector

8.—(1) Subsection 9a of section 32b of *The Planning Act*, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, is amended by striking out "may" in the seventh line and inserting in lieu thereof "shall", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 32b,
subs. 9a
(1966,
c. 116, s. 5,
subs. 2),
amended

(9a) The committee, in determining whether a consent is to be given under subsection 2a, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same powers with respect to a consent as the Minister has to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that any or all conditions imposed be fulfilled prior to the granting of a consent, and, in exercising its powers under subsections 5 and 8 of section 28, the reference to the Minister in such subsections 5 and 8 shall be deemed to be a reference to the committee. Matters
to be
regarded by
committee
in determin-
ing consent

(2) The said section 32b, as enacted by section 8 of *The Planning Amendment Act, 1961-62* and amended by section 12 of *The Planning Amendment Act, 1962-63*, section 6 of *The Planning Amendment Act, 1964* and section 5 of *The Planning Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 296, s. 32b
(1961-62,
c. 104, s. 8),
amended

(19) When a consent has been granted on an application under subsection 2a, the secretary-treasurer shall, after the decision of the committee is final and binding under subsection 13, give a certificate to the applicant stating that such consent has been given, and the certificate is conclusive evidence that such consent was given and that the provisions of this Act leading to such consent have been complied with. Certificate
that consent
given

R.S.O. 1960,
c. 296, s. 34,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 34 of *The Planning Act* is repealed and the following substituted therefor:

Reference to
O.M.B.

- (1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay and, when the Minister has referred the matter to the Municipal Board, the approval or consent, as the case may be, of the Municipal Board has the same force and effect as if it were the approval or consent of the Minister.

R.S.O. 1960,
c. 296, s. 34,
amended

- (2) The said section 34 is amended by adding thereto the following subsection:

Application
where draft
plan
approved

- (3) Where a draft plan of subdivision has been approved under subsection 11 of section 28, subsection 1 does not apply to the approval of the plan of subdivision under subsection 13 of section 28.

Effect of
1960-61
amendments
to s. 26 on
existing
by-laws
passed
before
March 29,
1961

10.—(1) By-laws now in effect passed under section 26 of *The Planning Act* or a predecessor of section 26 before the 29th day of March, 1961, remain in force until repealed, and the provisions of section 26, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, and any amendments thereto apply to such by-laws.

1960-61,
c. 76, s. 1,
subs. 3,
repealed

- (2) Subsection 3 of section 1 of *The Planning Amendment Act, 1960-61* is repealed.

Effect of
contra-
ventions
of s. 26,
etc., on
conveyances
heretofore
made

- (3) The contravention, before this section comes into force, of section 26 of *The Planning Act* or a predecessor thereof or of a by-law passed under section 26 or a predecessor of section 26 or of an order made under clause *b* of subsection 1 of section 27 of *The Planning Act* or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in land, provided that this section does not affect the rights acquired by any person from a judgment or order of any court given or made in any litigation or proceedings commenced on or before the day this section comes into force.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Planning Amendment Act, 1967*.

SECTION 9—Subsection 1. Under the present legislation, on request, the Minister is required to refer any matters requiring his approval to the Municipal Board. The amendment provides that he need not refer any matter where the request in his opinion is not made in good faith, is frivolous or is made for the purpose of delay.

Subsection 2. The amendment provides that subsection 1 respecting references to the Municipal Board does not apply to the approval of a plan of subdivision where the draft plan has been approved.

SECTION 10—Subsections 1 and 2. In a case which came before the Supreme Court of Ontario, *Avola v. Hallett* 1963 O.R. 167, it was inferentially decided that by-laws of subdivision control passed before the 1960-61 amendment to section 26 provided only the controls and conditions that existed in section 26 prior to its amendment and did not include the provisions of section 26 as re-enacted. This was never the intention and results in a completely unworkable system with two sets of rules with regard to by-laws of subdivision control depending on the time of the enactment of such by-laws. The proposed amendments are designed to clear up this confusion and to lay at rest the doubts which at present exist.

Subsection 3. The subsection provides that a contravention before this Act comes into force of section 26 or of a by-law passed under section 26 does not have and shall be deemed never to have had the effect of preventing a conveyance or the creation of an interest in land.

An Act to amend The Planning Act

1st Reading

May 3rd, 1967

2nd Reading

May 8th, 1967

3rd Reading

MR. SPOONER

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 104

5TH SESSION, 27TH LEGISLATURE, ONTARIO
15-16 ELIZABETH II, 1967

An Act to amend The Planning Act

MR. SPOONER

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12a of *The Planning Act*, as enacted by section 1 of *The Planning Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 12a
(1965,
c. 98, s. 1),
subs. 1,
re-enacted

- (1) The Minister may refer any part of the plan to the Municipal Board and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay, and, when the Minister has referred any part of the plan to the Municipal Board, the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister.

Reference
of part of
plan to
O.M.B.

2. *The Planning Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 296,
amended

- 14a. For the purposes of sections 10, 11, 12, 13 and 14, when a planning area is defined and named under subsection 3 of section 2, the Minister shall be deemed to have all the powers and duties of a council and of any officer of a council.

Powers of
Minister
re planning
area in
unorganized
territory

3. Section 29 of *The Planning Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 29,
amended

- (2) In subsection 1, "unregistered plan of subdivision" does not include a reference plan of survey under section 157 of *The Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of *The Registry Act* in accordance with the regulations under that Act.

Interpreta-
tion
R.S.O. 1960,
cc. 204, 348

R.S.O. 1960,
c. 296, s. 30,
subs. 9,
amended

4.—(1) Subsection 9 of section 30 of *The Planning Act* is amended by adding at the commencement thereof "Subject to subsection 22", so that the subsection shall read as follows:

Approval by
O.M.B.

(9) Subject to subsection 22, no part of any by-law passed under this section comes into force without the approval of the Municipal Board, and such approval may be for a limited period of time only, and the Board may extend such period from time to time upon application made to it for such purpose.

R.S.O. 1960,
c. 296, s. 30,
subs. 10,
amended

(2) Subsection 10 of the said section 30, as amended by subsection 2 of section 6 of *The Planning Amendment Act, 1961-62*, is further amended by adding at the commencement thereof "Subject to subsection 22", so that the subsection shall read as follows:

Repeal or
amendment

(10) Subject to subsection 22, no part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 19, comes into force without the approval of the Municipal Board.

R.S.O. 1960,
c. 296, s. 30,
amended

(3) The said section 30 is amended by adding thereto the following subsections:

Notice of
by-law

(21) The Lieutenant Governor in Council may make regulations prescribing the manner of giving notice, the form of the notice, the persons to whom notice shall be given and the time within which objections may be filed with the clerk of the municipality when the council proceeds under subsection 22.

By-law
effective
where no
notice of
objection
filed

(22) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and no notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law thereupon comes into effect.

Where
notice of
objection
filed

(23) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect until approved by the Municipal Board.

(24) A certificate of the clerk of the municipality that the notice has been sent in the manner and form and to the persons prescribed by the regulations and that no notice of objection has been filed with him within the time prescribed by the regulations shall be *prima facie* evidence of the facts stated therein. Certificate of clerk re notices

(25) Any by-law approved by the Municipal Board under this section shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality. Approved by-law deemed to conform to plan

(26) The council of a municipality may, subject to subsections 27 and 28, pass by-laws to permit the use of vacant land for the parking thereon of vehicles where such use is otherwise prohibited by any other by-law passed under this section. Use of vacant land for parking

(27) A by-law passed under subsection 26 shall define the area to which it applies and shall prescribe the period for which it shall be in effect, which shall not exceed two years from the date of the passing of the by-law or the period during which the owner of the lands at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser, and may contain such other provisions as the council deems advisable. Effective period of by-law

(28) When a by-law passed under subsection 26 ceases to have effect, clause *a* of subsection 7 does not apply in respect of the use of land permitted by such by-law. Use of vacant land for parking not non-conforming use

(29) Any parking facilities provided pursuant to a by-law passed under subsection 26 shall be deemed not to be parking facilities required to be provided and maintained by virtue of any other by-law passed under this section. Parking facilities

5.—(1) Subsection 1 of section 30*a* of *The Planning Act*, as enacted by section 4 of *The Planning Amendment Act, 1964*, is amended by adding thereto the following clause: R.S.O. 1960, c. 296, s. 30*a* (1964, c. 90, s. 4), subs. 1, amended

(*aa*) "repair" includes the provision of such facilities and the making of such additions or alterations as may be required so that the residential property shall conform to the standards prescribed in the by-law, and "repairs" and "repaired" have a corresponding meaning.

(2) The said section 30*a* is amended by adding thereto the following subsection: R.S.O. 1960, c. 296, s. 30*a* (1964, c. 90, s. 4), amended

Registration
of notice

- (3a) A notice under subsection 3 may be registered in the proper registry or land titles office, and, upon registration of such notice, any person acquiring any interest in the land subsequent to the registration of the notice shall be deemed to have been given notice under subsection 3 on the date on which notice was given to the registered owner and, when the requirements of the notice have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such notice.

R.S.O. 1960,
c. 296,
amended

6. *The Planning Act* is amended by adding thereto the following section:

Loans for
repairs

- 30b.—(1) When a by-law under section 30a is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 3 of section 30a to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

Loans,
collected
as taxes,
lien on land

- (2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration
of certificate

- (3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper registry or land titles office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing

such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

7. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960
c. 296,
amended

31a. The council of a county may enter into an agreement with one or more local municipalities for the appointment by the county of a building inspector for the administration of by-laws passed under section 31 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector. Building
Inspector

8.—(1) Subsection 9a of section 32b of *The Planning Act*, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, is amended by striking out "may" in the seventh line and inserting in lieu thereof "shall", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 32b,
subs. 9a
(1966,
c. 116, s. 5,
subs. 2),
amended

(9a) The committee, in determining whether a consent is to be given under subsection 2a, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same powers with respect to a consent as the Minister has to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that any or all conditions imposed be fulfilled prior to the granting of a consent, and, in exercising its powers under subsections 5 and 8 of section 28, the reference to the Minister in such subsections 5 and 8 shall be deemed to be a reference to the committee. Matters
to be
regarded by
committee
in determin-
ing consent

(2) The said section 32b, as enacted by section 8 of *The Planning Amendment Act, 1961-62* and amended by section 12 of *The Planning Amendment Act, 1962-63*, section 6 of *The Planning Amendment Act, 1964* and section 5 of *The Planning Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 296, s. 32b
(1961-62,
c. 104, s. 8),
amended

(19) When a consent has been granted on an application under subsection 2a, the secretary-treasurer shall, after the decision of the committee is final and binding under subsection 13, give a certificate to the applicant stating that such consent has been given, and the certificate is conclusive evidence that such consent was given and that the provisions of this Act leading to such consent have been complied with. Certificate
that consent
given

R.S.O. 1960,
c. 296, s. 34,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 34 of *The Planning Act* is repealed and the following substituted therefor:

Reference to
O.M.B.

- (1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay and, when the Minister has referred the matter to the Municipal Board, the approval or consent, as the case may be, of the Municipal Board has the same force and effect as if it were the approval or consent of the Minister.

R.S.O. 1960,
c. 296, s. 34,
amended

- (2) The said section 34 is amended by adding thereto the following subsection:

Application
where draft
plan
approved

- (3) Where a draft plan of subdivision has been approved under subsection 11 of section 28, subsection 1 does not apply to the approval of the plan of subdivision under subsection 13 of section 28.

Effect of
1960-61
amendments
to s. 26 on
existing
by-laws
passed
before
March 29,
1961

10.—(1) By-laws now in effect passed under section 26 of *The Planning Act* or a predecessor of section 26 before the 29th day of March, 1961, remain in force until repealed, and the provisions of section 26, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, and any amendments thereto apply to such by-laws.

1960-61,
c. 76, s. 1,
subs. 3,
repealed

- (2) Subsection 3 of section 1 of *The Planning Amendment Act, 1960-61* is repealed.

Effect of
contra-
ventions
of s. 26,
etc., on
conveyances
heretofore
made

- (3) The contravention, before this section comes into force, of section 26 of *The Planning Act* or a predecessor thereof or of a by-law passed under section 26 or a predecessor of section 26 or of an order made under clause *b* of subsection 1 of section 27 of *The Planning Act* or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in land, provided that this section does not affect the rights acquired by any person from a judgment or order of any court given or made in any litigation or proceedings commenced on or before the day this section comes into force.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Planning Amendment Act, 1967*.

An Act to amend The Planning Act

1st Reading

May 3rd, 1967

2nd Reading

May 8th, 1967

3rd Reading

June 12th, 1967

MR. SPOONER
